

***United States Court of Appeals
for the Second Circuit***



**APPELLANT'S
APPENDIX**

Docket
No. 75-7394

In The
United States Court of Appeals
For the Second Circuit

B

JOSEPH A. SAN FILIPPO, as President of Local #72, United
Brotherhood of Carpenters and Joiners of America, and
ROBERT S. MURPHY, as Secretary of Local #72, United
Brotherhood of Carpenters and Joiners of America, and
LOCAL #72, UNITED BROTHERHOOD OF CAR-
PENTERS AND JOINERS OF AMERICA,
Plaintiffs-Appellants,

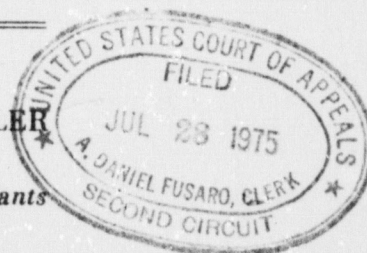
vs.

UNITED BROTHERHOOD OF CARPENTERS AND
JOINERS OF AMERICA,
Defendant-Appellee.

APPELLANTS' APPENDIX

**GOLDSTEIN GOLDMAN KESSLER
& UNDERBERG**

Attorneys for Plaintiffs-Appellants
1800 Lincoln First Tower
Rochester, New York 14604
(716) 325-1930



PAGINATION AS IN ORIGINAL COPY

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SUMMONS AND VERIFIED COMPLAINT.

SUMMONS IN A CIVIL ACTION

REV. 1-14-69
(Formerly D. C. Form No. 45 Rev. (6-49))

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

CIVIL ACTION FILE NO.

JOSEPH A. SAN FILIPPO, as President of
Local #72, United Brotherhood of Carpen-
ters and Joiners of America, and ROBERT
S. MURPHY, as Secretary of Local #72,
United Brotherhood of Carpenters and
Joiners of America, and LOCAL #72,
UNITED BROTHERHOOD OF CARPENTERS AND
JOINERS OF AMERICA,

Plaintiff s.,

v.

UNITED BROTHERHOOD OF CARPENTERS
AND JOINERS OF AMERICA,

Defendant .

SUMMONS

To the above named Defendant : UNITED BROTHERHOOD OF CARPENTERS AND JOINERS
OF AMERICA

You are hereby summoned and required to serve upon Goldstein, Goldman, Kessler
and Underberg

plaintiff's attorney s, whose address is 1800 Lincoln First Tower
Rochester, New York 14604
(716) 325-1930

an answer to the complaint which is herewith served upon you, within 20 days after service of this
summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be
taken against you for the relief demanded in the complaint.

Clerk of Court.

Deputy Clerk.

Date: April , 1975

[Seal of Court]

Note:—This summons is issued pursuant to Rule 4 of the Federal Rules of Civil Procedure.

JOSEPH A. SAN FILIPPO, as President of)
Local #72, United Brotherhood of Carpenters)
and Joiners of America, and ROBERT S.)
MURPHY, as Recording Secretary of Local #72,)
United Brotherhood of Carpenters and Joiners)
of America, and LOCAL #72, UNITED)
BROTHERHOOD OF CARPENTERS AND JOINERS OF)
AMERICA,)

VERIFIED COMPLAINT

Plaintiffs,

-v-

UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA,

Defendant.

Plaintiffs, Joseph A. San Filippo ("San Filippo") and Robert S. Murphy ("Murphy"), and Local #72, United Brotherhood of Carpenters and Joiners of America ("Local Union #72"), by their attorneys, Goldstein, Goldman, Kessler and Underberg, for their complaint herein, respectfully allege:

JURISDICTION AND VENUE

1. Jurisdiction of this Court is based upon Sections 102 and 304(a) of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. §412 and §464), 28 U.S.C. §1331(a), and the principles of pendant jurisdiction.

2. The claims alleged herein arise under the Labor-Management Reporting and Disclosure Act of 1959, the Constitution of the United States of America, state law and common law principles.

Summons and Verified Complaint.

3. The acts, omissions and transactions herein complained of occurred in substantial part within the Western District of New York. The matter in controversy exceeds the sum of \$10,000, exclusive of interest and costs.

THE PARTIES

4. Plaintiff San Filippo is, and was at all times hereinafter mentioned, the duly elected President of Local Union #72, an affiliate of the United Brotherhood of Carpenters and Joiners of America ("United Brotherhood"), and a delegate to the Carpenters' District Council of Rochester, New York and Vicinity, United Brotherhood of Carpenters and Joiners of America ("District Council").

5. Plaintiff Murphy is, and was at all times hereinafter mentioned, the duly elected Recording Secretary of Local Union #72, and a delegate to the District Council.

6. Plaintiff Local Union #72 is a labor organization affiliated with United Brotherhood and having its principal place of business in Rochester, New York.

7. Defendant United Brotherhood is an international labor organization comprised of the local unions of the United Brotherhood, having its principal place of business in Washington, D. C.

FACTUAL BACKGROUND

8. The District Council is presently an affiliation of the nine (9) local unions of the United Brotherhood located in the Rochester, New York vicinity: carpenters' Local Union #72 (Rochester, approximately 1,008 members), carpenters' Local Union #240 (Fairport, approximately 70 members), carpenters' Local Union

Summons and Verified Complaint.

#502 (Canandaigua, approximately 170 members), carpenters' Local Union #662 (Perry and Mt. Morris, approximately 240 members), carpenters' Local Union #1508 (Lyons, approximately 85 members), industrial Local Union #2407 (soft floor workers, approximately 80 members), industrial Local Union #231 (mill and cabinet workers, approximately 190 members), industrial Local Union #687 (miscellaneous industrial workers, approximately 40 members) and industrial Local Union #2255 (Stirling Homex, approximately 40 members).

9. The assets of Local Union #72 presently consist of approximately \$100,000 in General Funds (raised solely from dues of members of Local Union #72) and \$35,000 in Contingent Funds (raised solely by voluntary assessment of members of Local Union #72 approved by majority vote of the members of Local Union #72). Upon information and belief, the total funds of Local Unions #240, #502, #662 and #1508 do not exceed \$20,000.

10. The District Council presently employs one (1) business manager and two (2) business representatives. Each business representative functions throughout the geographic area served by the District Council.

11. Pursuant to the By-Laws and Trade Rules of the District Council, Section 32, a copy of which is attached hereto as Exhibit A, each local union is entitled to delegate representatives to the District Council in direct proportion to the number of members of each local union.

Summons and Verified Complaint.

12. Pursuant to the Constitution and Laws of the United Brotherhood, Section 31-A, a copy of which is attached hereto as Exhibit B, each local union has an Executive Committee, comprised of ten (10) officers and trustees of the local union.

13. On March 25, 1975, a meeting of the Executive Committees of the nine local unions comprising the District Council was held in Rochester, New York, at the request of, and presided over by, Mr. John S. Rogers ("Mr. Rogers"), a member of the Executive Board of the United Brotherhood.

14. At that meeting, the only vote purportedly taken was on the question of whether Local Union #72 should have its own business representative, serving only Monroe County. The ten members of the Executive Committee of Local Union #72, representing approximately 1,008 members, voted affirmatively; the forty members of the Executive Committees of Local Unions #240, #502, #662 and #1508, representing approximately 560 members, voted negatively; Mr. Rogers declined to recognize or tally the votes of the Executive Committees of Industrial Local Unions #2407, #231, #687 and #2255. On the basis of the voting set forth above, the question was deemed by Mr. Rogers to have been defeated.

15. By written directive of the General President of the United Brotherhood, dated April 10, 1975, the following steps were directed to be taken, effective May 1, 1975: (1) The District Council is dissolved; (2) carpenters' Local Unions #72, #240, #502, #662 and #1508 are consolidated into one new carpenters' local union; (3) industrial local unions #2407, #231, #687 and #2255 are

Summons and Verified Complaint.

consolidated into one new industrial local union; (4) a "pro tem" Executive Committee is established, effective immediately; (5) a General Representative of the United Brotherhood is assigned "to guide the newly formulated local unions and officers for a reasonable period to insure that the policies and objectives of the United Brotherhood and newly formed local unions are implemented"; (6) the business representatives and the business manager of the District Council are assigned as business representatives of the carpenters' local union under the direction of the General Representative of the United Brotherhood; (7) miscellaneous other changes are directed. A copy of the directive dated April 10, 1975 is annexed as Exhibit C.

16. The United Brotherhood has never ascertained whether the membership of Local Union #72, or upon information and belief the members of any other local union, were in favor of consolidation into a new local union and to thereby lose their autonomy, or held any hearings before imposing supervision and control over Local Union #72.

17. Local Union #72 promptly appealed to the United Brotherhood from the directive dated April 10, 1975. To date, Local Union #72 has received no response to that appeal.

FOR A FIRST CAUSE OF ACTION,
PLAINTIFFS ALLEGE:

18. Plaintiffs repeat and reallege each and every allegation contained in paragraphs "1" through "17" hereof.

19. The Constitution and Laws of the Union Brotherhood constitutes a contract between the United Brotherhood and its affiliated Local Unions.

Summons and Verified Complaint.

20. The directive of the General President of the United Brotherhood dated April 10, 1975, purportedly made pursuant to Section 6-A of the Constitution and Laws of the United Brotherhood, a copy of which is attached hereto as Exhibit D, is violative of that contract in that the effective date of the directive is prior to the determination of the appeal from the directive, and in that the vested rights of the members of Local Union #72 are not preserved by said directive as provided for by Section 6-A of said Constitution and Laws.

FOR A SECOND CAUSE OF ACTION,
PLAINTIFFS ALLEGE:

21. Plaintiffs repeat and reallege each and every allegation contained in paragraphs "1" through "17" hereof.

22. The directive dated April 10, 1975 constitutes the imposition by the United Brotherhood of a trusteeship over Local Union #72.

23. The imposition of the trusteeship over Local Union #72 is contrary to Sections 6-D and 10-H of the Constitution and Laws of the United Brotherhood, copies of which are attached hereto as Exhibits E and F, and is contrary to law in that: (a) it was imposed for a reason or reasons other than the reasons set forth in Sections 6-D and H-10 of the Constitution and Laws of the United Brotherhood and in Section 302 of the Labor-Management Reporting and Disclosure Act of 1959; (b) the trusteeship was imposed without a fair hearing; (c) the imposition of the trusteeship results in the transfer of assets of Local Union #72 to the United Brotherhood, contrary to Section 303 of the Labor-Management Reporting and Disclosure Act of 1959; (d) the imposition of the trusteeship is otherwise contrary to law.

Summons and Verified Complaint.

FOR A THIRD CAUSE OF ACTION,
PLAINTIFFS ALLEGE:

24. Plaintiffs repeat and reallege each and every allegation contained in paragraphs "1" through "17" hereof.

25. The directive dated April 10, 1975 is contrary to Section 501(a) of the Labor-Management Reporting and Disclosure Act of 1959 in that it compels the use of the funds and property of Local Union #72 for purposes other than for the benefit of members of Local Union #72.

FOR A FOURTH CAUSE OF ACTION,
PLAINTIFFS ALLEGE:

26. Plaintiffs repeat and reallege each and every allegation contained in paragraphs "1" through "17" hereof.

27. The directive dated April 10, 1975 is contrary to Section 101(a)(1) of the Labor-Management Reporting and Disclosure Act of 1959 in that it was directed without the opportunity for the members of the Local Unions to vote thereon.

FOR A FIFTH CAUSE OF ACTION,
PLAINTIFFS ALLEGE:

28. Plaintiffs repeat and reallege each and every allegation contained in paragraphs "1" through "17" hereof.

29. The directive dated April 10, 1975 is violative of the Fifth and Fourteenth Amendments to the Constitution of the United States of America in that it deprives Local Union #72, and its members, of its and their property without due process of law.

Summons and Verified Complaint.

WHEREFORE, plaintiffs demand judgment as follows:

(a) That pending a hearing upon the merits, a preliminary injunction issue, enjoining the defendant, its agents, servants, employees, and attorneys and all persons in active concert and participation with it, pending the final hearing and determination of this action, from dissolving the District Council; from consolidating Local Unions #72, #240, #502, #662 and #1508 into one new Local Union; from otherwise reorganizing, dissolving, supervising, controlling, suspending the autonomy of and/or imposing a trusteeship upon Local Union #72 and from otherwise effectuating the actions set forth in the directive dated April 10, 1975;

(b) That pending hearing upon the preliminary injunction, and prior to notice to the defendant, a temporary restraining order issue, restraining defendant from dissolving the District Council; from consolidating Local Unions #72, #240, #502, #662, and #1508 into a new Local Union; from otherwise reorganizing, dissolving, supervising, controlling, suspending the autonomy of and/or imposing a trusteeship upon Local Union #72, and from otherwise effectuating the actions set forth in the directive dated April 10, 1975;

(c) For an order directing the defendant to cancel, annul and render of no force and effect the directive dated April 10, 1975;

(d) For costs and counsel fees of the plaintiffs; and

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Summons and Verified Complaint.

(e) For such other and further relief as to this Court shall appear just and equitable.

Dated: Rochester, New York
April 30, 1975

GOLDSTEIN, GOLDMAN, KESSLER & UNDERBERG

By: 

Thomas G. Dignan, a Member of the
Firm

Attorneys for Plaintiffs
Office and Post Office Address:
1800 Lincoln First Tower
Rochester, New York 14604
Telephone: (716) 325-1930

All
Summons and Verified Complaint.

VERIFICATION

STATE OF NEW YORK,
COUNTY OF MONROE)

SS:

JOSEPH A. SAN FILIPPO, being duly sworn, deposes and says that deponent is a plaintiff in the within action, and the President of plaintiff Local Union #72; that deponent has read the foregoing complaint and knows the contents thereof; that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters deponent believes it to be true.

/s/

Joseph A. San Filippo

Sworn to before me, this
30th day of April, 1975.

Notary Public

Summons and Verified Complaint.

when necessary.

Section 32. Each Local Union shall be entitled to delegates to the District Council as per the following schedule:

| MEMBERS | DELEGATES |
|--------------------|-----------|
| 10 to 150 ----- | 2 |
| 151 to 250 ----- | 3 |
| 251 to 400 ----- | 4 |
| 401 to 550 ----- | 6 |
| 551 to 700 ----- | 7 |
| 701 to 850 ----- | 8 |
| 851 to 1000 ----- | 9 |
| 1001 to 1150 ----- | 10 |

Summons and Verified Complaint.

NOMINATION AND ELECTION IN
SUBORDINATE BODIES

A Section 31. The officers of a Local Union shall be a President, Vice-President, Recording Secretary, Financial Secretary, Treasurer, Conductor, Warden and three Trustees. The officers shall constitute the Executive Committee of the Local Union. A Business Representative who is not a member of the Executive Committee shall attend the meetings of the Executive Committee with voice but without vote. No member shall be eligible to be an officer or business representative, delegate or committeeman unless such member is a citizen of the United States or Canada, and the member, to be eligible to serve in any such capacity, must be a citizen of the country in which the Local Union is located. No member may hold more than one office or be a candidate for more than one office in a regular election, in the same subordinate body, unless dispensation to combine two or more offices is or has been granted by the General President. In elections held to fill vacancies a member who holds an office must resign said office before accepting nomination as a candidate for another office in the same subordinate body (unless the offices are combined by dispensation) and all existing vacancies, including those left by such resignations, shall be filled by the same nominations and election.

B The regular terms of officers, Business Representatives and assistant Business Representatives shall be not less than two

Summons and Verified Complaint.

WILLIAM SIDELL
GENERAL PRESIDENT



UNITED BROTHERHOOD OF CARPENTERS
AND JOINERS OF AMERICA
101 CONSTITUTION AVE., N.W.
WASHINGTON, D. C. 20001

April 10, 1975

Mr. Joseph J. Catalfano, Secretary
Rochester & Vicinity District Council
58 North Fitzhugh Street
Rochester, New York 14614

Dear Sir and Brother:

As you are aware, there have been numerous problems in the Rochester and Vicinity District Council area over the years and General Office records reveal that, on certain occasions, it has become necessary to supervise the District Council activities. The files of the General Office and the First District Office are replete with correspondence from officers, representatives and individual members illustrating their concern over the situation in the area.

General Representative William Lawyer was assigned to make a complete and detailed investigation of the conditions within the District Council area.

The purpose of the investigation was to get firsthand knowledge of the situation and to further give each group an opportunity to recommend what they consider to be an appropriate solution. I have reviewed the files and reports on this matter and find the problems and dissension which existed over the years are continuing today.

Therefore, I assigned General Executive Board Member John S. Rogers to meet with the District Council delegates and the Executive Committees of affiliated Local Unions. At that meeting each individual was given an opportunity to address the chair and set forth their recommendations as to what would, in their judgment, be the solution.

It was apparent that the problems of the past and present stem from the basic structure of the District Council, and, therefore, pursuant to Section 6 A of the Constitution and Laws of the United Brotherhood, I have determined and direct:

That the Rochester & Vicinity District Council be dissolved.

That Local Unions 240, 502, 72, 662 and 1503 be consolidated under a new charter to be issued to include the construction

Summons and Verified Complaint.

Mr. Joseph J. Catalfano, Secretary
Page two

April 10, 1975

membership of these local unions. Further, Local Unions 2407, 231, 687 and 2255 shall be consolidated and a new charter issued.

The "outside" carpenters presently members of Local 231 shall be transferred to the newly chartered carpenter local which would be comprised of the membership of Local Unions 240, 502, 72, 662 and 1508.

Local Union 2407 (soft floor), Local Union 231 (mill and cabinet) and Local Unions 687 and 2255 (industrial) have sufficient members to employ a fulltime representative to service the membership and organize.

The consolidations shall be effective May 1, 1975, and in the interim each of the Local Unions shall, in accordance with their membership, have pro rata representation on a pro tem Executive Committee which shall function for a period of approximately two months, after which a duly called election pursuant to the Constitution and Laws, with appropriate dispensation, shall be conducted, electing officers and business representatives initially for a two-year term and thereafter for a term of three years.

In the interim the present three fulltime officials currently employed by the District Council shall be assigned as business representatives to the newly chartered carpenter Local Union and serve under the direction of General Representative William Lawyer until the election is held.

The Local Union shall elect one business manager and two assistant business representatives. The current employment of an organizer should temporarily be discontinued until such time as the new Executive Committee and business representatives are elected, at which time the business manager should appoint such personnel.

The newly chartered carpenter Local Union shall have a general Business Representative-Financial Secretary, and sufficient clerical help shall be employed to work under his direction.

A16

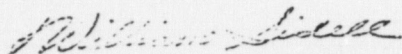
Summons and Verified Complaint.

Mr. Joseph J. Catalfano, Secretary
Page three

April 10, 1975

General Representative Lawyer is assigned to guide the newly formulated Local Unions and officers for a reasonable period to insure that the policies and objectives of the United Brotherhood and newly formed Local Unions are implemented.

Fraternally yours,



GENERAL PRESIDENT

WS:md

cc: Local Unions 72, 231, 240, 502, 662, 687, 1163, 1508, 2255-S, 2407
John S. Rogers
William Lawyer

Summons and Verified Complaint.

JURISDICTION

- A Section 6. The jurisdiction of the United Brotherhood of Carpenters and Joiners of America shall include all branches of the Carpenter and Joiner trade. In it shall be vested the power through the International Body to establish and charter Subordinate Local and Auxiliary Unions, District, State and Provincial Councils in all branches of the trade, and its mandates must be observed and obeyed at all times.

The United Brotherhood is empowered, upon agreement of the Local Unions and Councils directly affected, or in the discretion of the General President subject to appeal to the General Executive Board, where the General President finds that it is in the best interests of the United Brotherhood and its members, locally or at large, to establish or dissolve any Local Union or Council, to merge or consolidate Local Unions or Councils, to establish or alter the trade or geographical jurisdiction of any Local Union or Council, to form Councils and to permit, prohibit or require the affiliation with or disaffiliation from any Council by any Local Union, including the right to establish state-wide, province-wide and regional Local Unions or Councils having jurisdiction over specified branches or subdivisions of the trade. The vested rights of the members shall be preserved and where action as herein described is taken the General President and General Executive Board shall preserve the membership rights of the members of affected Local Unions, including their right to attend and participate in meetings, to vote, to nominate candidates and to be nominated and run for office or business representative. In connection with the foregoing the General President may, where he finds it appropriate, appoint a committee to hold hearings upon due notice to directly affected Local Unions or Councils, and make findings and recommendations.

Summons and Verified Complaint.

- 6 - D The United Brotherhood of Carpenters and Joiners of America shall have the right to establish supervision over and to conduct the affairs of any subordinate body (including the removal of any or all officers of such subordinate body) to correct financial irregularities or to assure the performance of collective bargaining agreements and the responsibility of the subordinate body as a bargaining agent or to protect the interests and rights of the members or whenever the affairs of the subordinate body are conducted in such a manner as to be detrimental to the welfare of the members and to the best interests of the United Brotherhood, subject, however, to the provisions of Paragraph H of Section 10.

Summons and Verified Complaint.

10-H Whenever it appears to the satisfaction of the General President that any Local Union or member thereof, or any District, State or Provincial Council is acting contrary to the welfare of the United Brotherhood of Carpenters and Joiners of America, or that supervision should be established over the conduct of the affairs of any subordinate body as set forth in Section 6-D, he may appoint a committee to hold a hearing, after due notice to such subordinate body or member. Upon completion of the hearing, the committee shall report its findings and recommendations to the General Executive Board and to the member or subordinate body involved. The General Executive Board is empowered to take such action as is necessary and proper for the welfare of the United Brotherhood of Carpenters and Joiners of America, subject, however, to the right of appeal to the next General Convention, to the extent permitted by Section 57G. If the General President determines that an emergency situation exists, he may appoint a representative to assume supervision over any Local Union or Council pending the holding of a hearing and the completion of the proceedings as provided for in this Section.

**ORDER TO SHOW CAUSE AND TEMPORARY
RESTRaining ORDER, issued 4-30-75 with Supporting
Papers.**

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JOSEPH A. SAN FILIPPO, as President of
Local #72, United Brotherhood of Carpen-
ters and Joiners of America, and ROBERT
S. MURPHY, as Secretary of Local #72,
United Brotherhood of Carpenters and
Joiners of America, and LOCAL #72,
UNITED BROTHERHOOD OF CARPENTERS AND
JOINERS OF AMERICA,

Plaintiffs,

-v-

UNITED BROTHERHOOD OF CARPENTERS
AND JOINERS OF AMERICA,

Defendant.

ORDER TO SHOW CAUSE
AND
TEMPORARY RESTRAINING
ORDER

Civil 75-164

Upon the verified complaint herein; the affidavit of Joseph A. San Filippo, sworn to April 29, 1975; the certificate of Larry A. Stumpf, Esq., attorney for plaintiffs; the plaintiff's undertaking in the amount of \$; all annexed hereto, it is

ORDERED, that the defendant show cause before this Court, at the United States Courthouse, Rochester, New York, on May 12, 1975 at ^{10:00}~~9:30~~ o'clock A.M., or as soon thereafter as counsel can be heard, why a preliminary injunction should not issue herein enjoining the defendant, its agents, servants, employees, and attorneys and all persons in active concert and participation with it, pending the final hearing and determination of this action, from dissolving the Carpenter's District Council of Rochester, New York and Vicinity, United

Order to Show Cause and Temporary Restraining Order,
issued 4-30-75 with Supporting Papers.

Brotherhood of Carpenters and Joiners of America, from consolidating Local Unions #72, #240, #502, #662 and #1508 into one new Local Union, from otherwise reorganizing, dissolving, supervising, controlling, suspending the autonomy of, and/or imposing a trusteeship upon Local Union #72 and from otherwise effectuating the actions set forth in the letter dated April 10, 1975, from William Sidell, General President of defendant to Mr. Joseph J. Catalfano, Secretary, Rochester and Vicinity District Council; and

It appearing to this Court that defendant is about to commit the acts hereinafter specified and that it will do so unless restrained by order of this Court, and that immediate and irreparable injury, loss, and damage will result to plaintiffs before notice can be given and the defendant or his attorney can be heard in opposition to the granting of a temporary restraining order, in that the assets of Local Union #72 will be dissipated and utilized for purposes other than for the benefit of Local Union #72 members; the vested retirement, supplemental unemployment, medical, death, social and other rights and benefits of Local Union #72 will be irretrievably lost; the right of the members of Local Union #72 to appeal to the General Executive Board and the General Convention of the defendant from the decision of the General President of the United Brotherhood of Carpenters and Joiners of America, as provided in the Constitution and Laws of the United Brotherhood of Carpenters and Joiners of America, will be rendered moot and

Order to Show Cause and Temporary Restraining Order,
issued 4-30-75 with Supporting Papers.

~~of no force and effect; and plaintiff having given security approved by the Court in the sum of \$----- for the payment of such costs and damages as may be incurred or suffered by any party who is found to have been wrongfully enjoined or restrained;~~

and it is further

upon giving a surety bond, to be approved by this Court of \$1,000

ORDERED/ that defendant, its agents, servants, employees, and attorneys and all persons in active concert and participation with it be and they are hereby restrained from dissolving the Carpenter's District Council of Rochester, New York and Vicinity United Brotherhood of Carpenters and Joiners of America, from consolidating Local Unions #72, #240, #502, #662, and #1508 into a new Local Union, from otherwise reorganizing, dissolving, supervising, controlling, suspending the autonomy of and/or imposing a trusteeship upon Local Union #72, and from otherwise effectuating the actions set forth in the letter dated April 10, 1975, from William Sidell, General President of the defendant to Mr. Joseph Catalfano, Secretary, Rochester and Vicinity District Council; and it is further

~~ORDERED, that this order expire within ten (10) days after entry unless within such time the order for good cause shown is extended for a like period, or unless the defendant consents that it may be extended for a longer period, or unless the defendant consents that it may be extended for a longer period, and it is further~~

Order to Show Cause and Temporary Restraining Order,
issued 4-30-75 with Supporting Papers.

ORDERED, that service of this order to show cause, together with a copy of the papers hereto attached, on defendant, by personal service upon an officer or agent thereof, or by delivery to the principal office of the defendant, 101 Constitution Avenue, N. W., Washington, D. C., by Thomas G. Dignan, Esq., Larry A. Stumpf, Esq., or David Probst, on or before May 5, 1975, at 5 o'clock P. M. be deemed sufficient service.

Issued at 11:50 o'clock A. M., April 30, 1975

ENTER:

/s/
Harold P. Burke, U.S.D.J.

JOSEPH A. SAN FILIPPO, as President of
Local #72, United Brotherhood of Carpenters
and Joiners of America, and ROBERT S.
MURPHY, as Recording Secretary of Local #72,
United Brotherhood of Carpenters and Joiners
of America, and LOCAL #72, UNITED
BROTHERHOOD OF CARPENTERS AND JOINERS OF
AMERICA,

-V-

Defendant.

VERIFIED COMPLAINT

JURISDICTION AND VENUE

2. The claims alleged herein arise under the Labor-Management Reporting and Disclosure Act of 1959, the Constitution of the United States of America, state law and common law principles.

Order to Show Cause and Temporary Restraining Order,
issued 4-30-75 with Supporting Papers.

3. The acts, omissions and transactions herein complained of occurred in substantial part within the Western District of New York. The matter in controversy exceeds the sum of \$10,000, exclusive of interest and costs.

THE PARTIES

4. Plaintiff San Filippo is, and was at all times hereinafter mentioned, the duly elected President of Local Union #72, an affiliate of the United Brotherhood of Carpenters and Joiners of America ("United Brotherhood"), and a delegate to the Carpenters' District Council of Rochester, New York and Vicinity, United Brotherhood of Carpenters and Joiners of America ("District Council").

5. Plaintiff Murphy is, and was at all times hereinafter mentioned, the duly elected Recording Secretary of Local Union #72, and a delegate to the District Council.

6. Plaintiff Local Union #72 is a labor organization affiliated with United Brotherhood and having its principal place of business in Rochester, New York.

7. Defendant United Brotherhood is an international labor organization comprised of the local unions of the United Brotherhood, having its principal place of business in Washington, D. C.

FACTUAL BACKGROUND

8. The District Council is presently an affiliation of the nine (9) local unions of the United Brotherhood located in the Rochester, New York vicinity: carpenters' Local Union #72 (Rochester, approximately 1,008 members), carpenters' Local Union #240 (Fairport, approximately 70 members), carpenters' Local Union

Order to Show Cause and Temporary Restraining Order,
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#502 (Canandaigua, approximately 170 members), carpenters' Local Union #662 (Perry and Mt. Morris, approximately 240 members), carpenters' Local Union #1508 (Lyons, approximately 85 members), industrial Local Union #2407 (soft floor workers, approximately 80 members), industrial Local Union #231 (mill and cabinet workers, approximately 190 members), industrial Local Union #687 (miscellaneous industrial workers, approximately 40 members) and industrial Local Union #2255 (Stirling Homex, approximately 40 members).

9. The assets of Local Union #72 presently consist of approximately \$100,000 in General Funds (raised solely from dues of members of Local Union #72) and \$35,000 in Contingent Funds (raised solely by voluntary assessment of members of Local Union #72 approved by majority vote of the members of Local Union #72). Upon information and belief, the total funds of Local Unions #240, #502, #662 and #1508 do not exceed \$20,000.

10. The District Council presently employs one (1) business manager and two (2) business representatives. Each business representative functions throughout the geographic area served by the District Council.

11. Pursuant to the By-Laws and Trade Rules of the District Council, Section 32, a copy of which is attached hereto as Exhibit A, each local union is entitled to delegate representatives to the District Council in direct proportion to the number of members of each local union.

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12. Pursuant to the Constitution and Laws of the United Brotherhood, Section 31-A, a copy of which is attached hereto as Exhibit B, each local union has an Executive Committee, comprised of ten (10) officers and trustees of the local union.

13. On March 25, 1975, a meeting of the Executive Committees of the nine local unions comprising the District Council was held in Rochester, New York, at the request of, and presided over by, Mr. John S. Rogers ("Mr. Rogers"), a member of the Executive Board of the United Brotherhood.

14. At that meeting, the only vote purportedly taken was on the question of whether Local Union #72 should have its own business representative, serving only Monroe County. The ten members of the Executive Committee of Local Union #72, representing approximately 1,008 members, voted affirmatively; the forty members of the Executive Committees of Local Unions #240, #502, #662 and #1508, representing approximately 560 members, voted negatively; Mr. Rogers declined to recognize or tally the votes of the Executive Committees of Industrial Local Unions #2407, #231, #687 and #2255. On the basis of the voting set forth above, the question was deemed by Mr. Rogers to have been defeated.

15. By written directive of the General President of the United Brotherhood, dated April 10, 1975, the following steps were directed to be taken, effective May 1, 1975: (1) The District Council is dissolved; (2) carpenters' Local Unions #72, #240, #502, #662 and #1508 are consolidated into one new carpenters' local union; (3) industrial local unions #2407, #231, #687 and #2255 are

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consolidated into one new industrial local union; (4) a "pro tem" Executive Committee is established, effective immediately; (5) a General Representative of the United Brotherhood is assigned "to guide the newly formulated local unions and officers for a reasonable period to insure that the policies and objectives of the United Brotherhood and newly formed local unions are implemented"; (6) the business representatives and the business manager of the District Council are assigned as business representatives of the new carpenters' local union under the direction of the General Representative of the United Brotherhood; (7) miscellaneous other changes are directed. A copy of the directive dated April 10, 1975 is annexed as Exhibit C.

16. The United Brotherhood has never ascertained whether the membership of Local Union #72, or upon information and belief the members of any other local union, were in favor of consolidation into a new local union and to thereby lose their autonomy, or held any hearings before imposing supervision and control over Local Union #72.

17. Local Union #72 promptly appealed to the United Brotherhood from the directive dated April 10, 1975. To date, Local Union #72 has received no response to that appeal.

FOR A FIRST CAUSE OF ACTION,
PLAINTIFFS ALLEGE:

18. Plaintiffs repeat and reallege each and every allegation contained in paragraphs "1" through "17" hereof.

19. The Constitution and Laws of the Union Brotherhood constitutes a contract between the United Brotherhood and its affiliated Local Unions.

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20. The directive of the General President of the United Brotherhood dated April 10, 1975, purportedly made pursuant to Section 6-A of the Constitution and Laws of the United Brotherhood, a copy of which is attached hereto as Exhibit D, is violative of that contract in that the effective date of the directive is prior to the determination of the appeal from the directive, and in that the vested rights of the members of Local Union #72 are not preserved by said directive as provided for by Section 6-A of said Constitution and Laws.

FOR A SECOND CAUSE OF ACTION,
PLAINTIFFS ALLEGE:

21. Plaintiffs repeat and reallege each and every allegation contained in paragraphs "1" through "17" hereof.

22. The directive dated April 10, 1975 constitutes the imposition by the United Brotherhood of a trusteeship over Local Union #72.

23. The imposition of the trusteeship over Local Union #72 is contrary to Sections 6-D and 10-H of the Constitution and Laws of the United Brotherhood, copies of which are attached hereto as Exhibits E and F, and is contrary to law in that: (a) it was imposed for a reason or reasons other than the reasons set forth in Sections 6-D and H-10 of the Constitution and Laws of the United Brotherhood and in Section 302 of the Labor-Management Reporting and Disclosure Act of 1959; (b) the trusteeship was imposed without a fair hearing; (c) the imposition of the trusteeship results in the transfer of assets of Local Union #72 to the United Brotherhood, contrary to Section 303 of the Labor-Management Reporting and Disclosure Act of 1959; (d) the imposition of the trusteeship is otherwise contrary to law.

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FOR A THIRD CAUSE OF ACTION,
PLAINTIFFS ALLEGE:

24. Plaintiffs repeat and reallege each and every allegation contained in paragraphs "1" through "17" hereof.

25. The directive dated April 10, 1975 is contrary to Section 501(a) of the Labor-Management Reporting and Disclosure Act of 1959 in that it compels the use of the funds and property of Local Union #72 for purposes other than for the benefit of members of Local Union #72.

FOR A FOURTH CAUSE OF ACTION,
PLAINTIFFS ALLEGE:

26. Plaintiffs repeat and reallege each and every allegation contained in paragraphs "1" through "17" hereof.

27. The directive dated April 10, 1975 is contrary to Section 101(a)(1) of the Labor-Management Reporting and Disclosure Act of 1959 in that it was directed without the opportunity for the members of the Local Unions to vote thereon.

FOR A FIFTH CAUSE OF ACTION,
PLAINTIFFS ALLEGE:

28. Plaintiffs repeat and reallege each and every allegation contained in paragraphs "1" through "17" hereof.

29. The directive dated April 10, 1975 is violative of the Fifth and Fourteenth Amendments to the Constitution of the United States of America in that it deprives Local Union #72, and its members, of its and their property without due process of law.

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WHEREFORE, plaintiffs demand judgment as follows:

(a) That pending a hearing upon the merits, a preliminary injunction issue, enjoining the defendant, its agents, servants, employees, and attorneys and all persons in active concert and participation with it, pending the final hearing and determination of this action, from dissolving the District Council; from consolidating Local Unions #72, #240, #502, #662 and #1508 into one new Local Union; from otherwise reorganizing, dissolving, supervising, controlling, suspending the autonomy of and/or imposing a trusteeship upon Local Union #72 and from otherwise effectuating the actions set forth in the directive dated April 10, 1975;

(b) That pending hearing upon the preliminary injunction, and prior to notice to the defendant, a temporary restraining order issue, restraining defendant from dissolving the District Council; from consolidating Local Unions #72, #240, #502, #662, and #1508 into a new Local Union; from otherwise reorganizing, dissolving, supervising, controlling, suspending the autonomy of and/or imposing a trusteeship upon Local Union #72, and from otherwise effectuating the actions set forth in the directive dated April 10, 1975;

(c) For an order directing the defendant to cancel, annul and render of no force and effect the directive dated April 10, 1975;

(d) For costs and counsel fees of the plaintiffs; and

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(e) For such other and further relief as to this Court
shall appear just and equitable.

Dated: Rochester, New York
April 30, 1975

GOLDSTEIN, GOLDMAN, KESSLER & UNDERBERG

By: 

Thomas G. Dixon, a Member of the
Firm

Attorneys for Plaintiffs
Office and Post Office Address:
1800 Lincoln First Tower
Rochester, New York 14604
Telephone: (716) 325-1930

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VERIFICATION

STATE OF NEW YORK)
COUNTY OF MONROE)

SS:

JOSEPH A. SAN FILIPPO, being duly sworn, deposes and says that deponent is a plaintiff in the within action, and the President of plaintiff Local Union #72; that deponent has read the foregoing complaint and knows the contents thereof; that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters deponent believes it to be true.

/s/

Joseph A. San Filippo

Sworn to before me, this
30th day of April, 1975.

Notary Public

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WHEN NECESSARY:

Section 32. Each Local Union shall be entitled to delegates to the District Council as per the following schedule:

| MEMBERS | DELEGATES |
|--------------------|-----------|
| 10 to 150 ----- | 2 |
| 151 to 250 ----- | 3 |
| 251 to 400 ----- | 4 |
| 401 to 550 ----- | 6 |
| 551 to 700 ----- | 7 |
| 701 to 850 ----- | 8 |
| 851 to 1000 ----- | 9 |
| 1001 to 1150 ----- | 10 |

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NOMINATION AND ELECTION IN
SUBORDINATE BODIES

- A** Section 31. The officers of a Local Union shall be a President, Vice-President, Recording Secretary, Financial Secretary, Treasurer, Conductor, Warden and three Trustees. The officers shall constitute the Executive Committee of the Local Union. A Business Representative who is not a member of the Executive Committee shall attend the meetings of the Executive Committee with voice but without vote. No member shall be eligible to be an officer or business representative, delegate or committeeman unless such member is a citizen of the United States or Canada, and the member, to be eligible to serve in any such capacity, must be a citizen of the country in which the Local Union is located. No member may hold more than one office or be a candidate for more than one office in a regular election, in the same subordinate body, unless dispensation to combine two or more offices is or has been granted by the General President. In elections held to fill vacancies a member who holds an office must resign said office before accepting nomination as a candidate for another office in the same subordinate body (unless the offices are combined by dispensation) and all existing vacancies, including those left by such resignations, shall be filled by the same nominations and election.
- B** The regular terms of officers, Business Representatives and assistant Business Representatives shall be not less than two

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WILLIAM SIDELL
GENERAL PRESIDENT



UNITED BROTHERHOOD OF CARPENTERS
AND JOINERS OF AMERICA
101 CONSTITUTION AVE., N.W.
WASHINGTON, D. C. 20001

April 10, 1975

Mr. Joseph J. Catalfano, Secretary
Rochester & Vicinity District Council
58 North Fitzhugh Street
Rochester, New York 14614

Dear Sir and Brother:

As you are aware, there have been numerous problems in the Rochester and Vicinity District Council area over the years and General Office records reveal that, on certain occasions, it has become necessary to supervise the District Council activities. The files of the General Office and the First District Office are replete with correspondence from officers, representatives and individual members illustrating their concern over the situation in the area.

General Representative William Lawyer was assigned to make a complete and detailed investigation of the conditions within the District Council area.

The purpose of the investigation was to get firsthand knowledge of the situation and to further give each group an opportunity to recommend what they consider to be an appropriate solution. I have reviewed the files and reports on this matter and find the problems and dissension which existed over the years are continuing today.

Therefore, I assigned General Executive Board Member John S. Rogers to meet with the District Council delegates and the Executive Committees of affiliated Local Unions. At that meeting each individual was given an opportunity to address the chair and set forth their recommendations as to what would, in their judgment, be the solution.

It was apparent that the problems of the past and present stem from the basic structure of the District Council, and, therefore, pursuant to Section 6 A of the Constitution and Laws of the United Brotherhood, I have determined and direct:

That the Rochester & Vicinity District Council be dissolved.

That Local Unions 240, 502, 72, 662 and 1508 be consolidated under a new charter to be issued to include the construction

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membership of these local unions. Further, Local Unions 2407, 231, 687 and 2255 shall be consolidated and a new charter issued.

The "outside" carpenters presently members of Local 231 shall be transferred to the newly chartered carpenter local which would be comprised of the membership of Local Unions 240, 502, 72, 662 and 1508.

Local Union 2407 (soft floor), Local Union 231 (mill and cabinet) and Local Unions 687 and 2255 (industrial) have sufficient members to employ a fulltime representative to service the membership and organize.

The consolidation shall be effective May 1, 1975, and in the interim each of the Local Unions shall, in accordance with their membership, have pro rata representation on a pro tem Executive Committee which shall function for a period of approximately two months, after which a duly called election pursuant to the Constitution and Laws, with appropriate dispensation, shall be conducted, electing officers and business representatives initially for a two-year term and thereafter for a term of three years.

In the interim the present three fulltime officials currently employed by the District Council shall be assigned as business representatives to the newly chartered carpenter Local Union and serve under the direction of General Representative William Lawyer until the election is held.

The Local Union shall elect one business manager and two assistant business representatives. The current employment of an organizer should temporarily be discontinued until such time as the new Executive Committee and business representatives are elected, at which time the business manager should appoint such personnel.

The newly chartered carpenter Local Union shall have a general Business Representative-Financial Secretary, and sufficient clerical help shall be employed to work under his direction.

A38

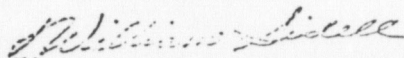
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General Representative Lawyer is assigned to guide the newly formulated Local Unions and officers for a reasonable period to insure that the policies and objectives of the United Brotherhood and newly formed Local Unions are implemented.

Fraternally yours,



GENERAL PRESIDENT

WS:md

cc: Local Unions 72, 231, 240, 502, 662, 687, 1163, 1508, 2255-S, 2407
John S. Rogers
William Lawyer

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JURISDICTION

- A Section 6. The jurisdiction of the United Brotherhood of Carpenters and Joiners of America shall include all branches of the Carpenter and Joiner trade. In it shall be vested the power through the International Body to establish and charter Subordinate Local and Auxiliary Unions, District, State and Provincial Councils in all branches of the trade, and its mandates must be observed and obeyed at all times.

The United Brotherhood is empowered, upon agreement of the Local Unions and Councils directly affected, or in the discretion of the General President subject to appeal to the General Executive Board, where the General President finds that it is in the best interests of the United Brotherhood and its members, locally or at large, to establish or dissolve any Local Union or Council, to merge or consolidate Local Unions or Councils, to establish or alter the trade or geographical jurisdiction of any Local Union or Council, to form Councils and to permit, prohibit or require the affiliation with or disaffiliation from any Council by any Local Union, including the right to establish state-wide, province-wide and regional Local Unions or Councils having jurisdiction over specified branches or subdivisions of the trade. The vested rights of the members shall be preserved and where action as herein described is taken the General President and General Executive Board shall preserve the membership rights of the members of affected Local Unions, including their right to attend and participate in meetings, to vote, to nominate candidates and to be nominated and run for office or business representative. In connection with the foregoing the General President may, where he finds it appropriate, appoint a committee to hold hearings upon due notice to directly affected Local Unions or Councils, and make findings and recommendations.

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6 - D The United Brotherhood of Carpenters and Joiners of America shall have the right to establish supervision over and to conduct the affairs of any subordinate body (including the removal of any or all officers of such subordinate body) to correct financial irregularities or to assure the performance of collective bargaining agreements and the responsibility of the subordinate body as a bargaining agent or to protect the interests and rights of the members or whenever the affairs of the subordinate body are conducted in such a manner as to be detrimental to the welfare of the members and to the best interests of the United Brotherhood, subject, however, to the provisions of Paragraph H of Section 10.

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- 10-H** Whenever it appears to the satisfaction of the General President that any Local Union or member thereof, or any District, State or Provincial Council is acting contrary to the welfare of the United Brotherhood of Carpenters and Joiners of America, or that supervision should be established over the conduct of the affairs of any subordinate body as set forth in Section 6-D, he may appoint a committee to hold a hearing, after due notice to such subordinate body or member. Upon completion of the hearing, the committee shall report its findings and recommendations to the General Executive Board and to the member or subordinate body involved. The General Executive Board is empowered to take such action as is necessary and proper for the welfare of the United Brotherhood of Carpenters and Joiners of America, subject, however, to the right of appeal to the next General Convention, to the extent permitted by Section 57C. If the General President determines that an emergency situation exists, he may appoint a representative to assume supervision over any Local Union or Council pending the holding of a hearing and the completion of the proceedings as provided for in this Section.

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JOSEPH A. SAN FILIPPO, as President
of Local #72, United Brotherhood of
Carpenters and Joiners of America,
and ROBERT S. MURPHY, as Secretary
of Local #72, United Brotherhood of
Carpenters and Joiners of America,
and LOCAL #72, UNITED BROTHERHOOD OF
CARPENTERS AND JOINERS OF AMERICA,

Plaintiffs,

-v-

UNITED BROTHERHOOD OF CARPENTERS
AND JOINERS OF AMERICA,

Defendant.

AFFIDAVIT OF JOSEPH A.
SAN FILIPPO IN SUPPORT
OF ORDER OF ATTACHMENT
AND TEMPORARY RESTRAIN-
ING ORDER

STATE OF NEW YORK)
COUNTY OF MONROE) SS:

JOSEPH A. SAN FILIPPO, being duly sworn, deposes and
says:

1. I am a plaintiff in this action, and the duly
elected President of Local Union #72, United Brotherhood of
Carpenters and Joiners of America ("United Brotherhood"). I
make this affidavit in support of plaintiff's application for
an Order to Show Cause and Temporary Restraining Order. I am
familiar with the facts hereinafter stated, based upon my review
of the records of Local Union #72, kept in the normal course of
its business, and my personal observation of and participation
in the events hereinafter described.

2. Local Union #72 was founded in 1881, and presently
consists of approximately 1,008 members in Rochester and Monroe

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County. The monies and property of Local Union #72 presently consists of approximately \$100,000 in the General Fund and approximately \$35,000 in the Contingency Fund. The General Fund is comprised of, and solely of, dues of the members of Local Union #72. The Contingency Fund is comprised of, and solely of, funds obtained by assessment, approved by majority vote, of the members of Local Union #72. The Contingency Fund is used for the social activities of Local Union #72 and also to provide various other benefits to the members of Local Union #72, including the payment of a portion of the membership dues of retired members of Local Union #72.

3. Local Union #72 is affiliated with the Carpenters' District Council of Rochester, New York and Vicinity, United Brotherhood of Carpenters and Joiners of America ("District Council"). The District Council is an affiliation of five local carpenters' unions, including Local Union #72, and of four industrial unions in the trade. Each of the nine affiliated unions is represented in the District Council by delegates, the number of delegates from each local union being determined in direct proportion to the number of members of each local union. The District Council presently employs one business manager and two business representatives. Each of these officials operates throughout the geographic area served by the District Council.

4. On or about November, 1973, I learned that the United Brotherhood was looking into the operation and affairs

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of the District Council. As part of that process, a meeting was called by Mr. John Rogers ("Mr. Rogers"), a member of the Executive Board of the United Brotherhood, of all delegates to the District Council, on March 25, 1975 at Rochester, New York. I attended that meeting. At that meeting a vote was purportedly taken on the question of whether Local Union #72 should employ its own business representative to function only within the geographic area served by Local Union #72, that is Rochester and Monroe County. The only persons who were allowed to cast votes on that question were the members of the Executive Committee (ten officers and trustees of each Local Union) of the five local carpenters' unions. The proposal that Local Union #72 should have its own business representative was defeated by the vote of 40 to 10, the members of the Executive Committee of Local Union #72 voting in the affirmative and the members of the Executive Committees of the other four local carpenters' unions voting in the negative. To the best of my recollection, that was the only vote taken at that meeting. Prior to the "vote" described above, I attempted to address that meeting, on behalf of the members of Local Union #72. Mr. Rogers, who chaired the meeting, constantly interrupted my speech and did not allow me to finish my address. Likewise, Mr. Rogers declined to tally, or to otherwise recognize, the votes of the members of the Executive Committees of the four industrial unions affiliated with the District Council. To the best of my knowledge, there was no record kept of the proceedings of that meeting.

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5. Subsequent to the meeting on March 25, 1975, and without, to the best of my knowledge, any hearings or written findings or reports being issued, the General President of the United Brotherhood issued a directive dated April 10, 1975, abolishing the District Council and Local Union #72. By that directive, the United Brotherhood ordered the following steps to be taken, effective May 1, 1975:

(a) The District Council is ordered dissolved;

(b) Carpenters' Local Unions #72, #240, #502, #662 and #1508 are ordered consolidated into one new local carpenters' union;

(c) Industrial Local Unions #2407, #231, #687, and #2255 are ordered consolidated into one new local industrial union;

(d) A "pro tem" Executive Committee is established, effective immediately, and a General Representative of the United Brotherhood is assigned to "guide the newly formulated Local Unions and officers for a reasonable period to insure that the policies and objectives of the United Brotherhood and newly formed Local Unions are implemented";

(e) The Business Manager and the business representatives of the District Council are assigned as business representatives of the new Carpenters' Local Union, and are placed under the direction of a General Representative of the United Brotherhood;

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(f) Miscellaneous other changes are directed. A copy of the directive dated April 10, 1975 is annexed hereto as Exhibit A.

6. At a meeting of Local Union #72 on April 14, 1975, a motion was made and carried to appeal, pursuant to the Constitution and Laws of the United Brotherhood, from the directive of the General President of the United Brotherhood dated April 10, 1975. Accordingly, by letter dated April 18, 1975, Local Union #72 appealed to the United Brotherhood from the directive dated April 10, 1975. A copy of that letter of appeal is annexed hereto as Exhibit B.

7. By letter dated April 24, 1975 (copy annexed as Exhibit C), Local Union #72 amended and supplemented its appeal to the United Brotherhood from the directive dated April 10, 1975.

8. To date, Local Union #72 has had no response whatever to the appeal filed.

9. To the best of my knowledge, the United Brotherhood took no steps whatever to ascertain the sentiment of the membership of Local Union #72, or of any other local union, concerning the reorganization and other changes directed by the United Brotherhood in the directive dated April 10, 1975. To the best of my knowledge, no hearings of any nature were conducted at any time in connection with the changes ordered by the directive dated April 10, 1975. I have been informed by the General Representative of the United Brotherhood that the changes directed

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by the directive dated April 10, 1975 will result in a transfer of all the monies and property of Local Union #72 to the new carpenters' local union to be formed pursuant to the directive or to the United Brotherhood. In addition, I have been informed by the General Representative of the United Brotherhood that the present membership of Local Union #72 will have less than a majority representation on the "pro tem Executive Committee" established by the directive and on the Executive Committee of the new carpenters' local union to be established.

10. I submit that the plaintiffs herein will suffer immediate and irreparable injury, loss and damage if the changes and reorganizations directed by the directive dated April 10, 1975 are effectuated, as scheduled, on May 1, 1975 in the following ways:

(a) The directive dated April 10, 1975, recites that it is made pursuant to Section 6-A of the Constitution and Laws of the United Brotherhood. Section 6-A provides, in relevant part, as follows:

"The United Brotherhood is empowered, upon agreement of the Local Unions and Councils directly affected, or in the discretion of the General President subject to appeal to the General Executive Board, where the General President finds that it is in the best interests of the United Brotherhood and its members, locally or at large, to establish or dissolve any Local Union or Council, to merge or consolidate Local Unions or Councils. . . The vested rights of the members shall be preserved and where action as herein described is taken the General President and General Executive Board shall preserve the membership rights of the members of affected Local Unions, including their right

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to attend and participate in meetings, to vote, to nominate candidates and to be nominated and run for office or business representative. In connection with the foregoing the General President may, where he finds it appropriate, appoint a committee to hold hearings upon due notice to directly affected Local Unions or Councils, and make findings and recommendations." [Emphasis added]

Local Union #72 has appealed the directive dated April 10, 1975 to the General Executive Board of the United Brotherhood of Carpenters and Joiners of America. Upon information and belief, the Executive Board of the United Brotherhood will not meet until July, 1975. Therefore, if the directive dated April 10, 1975 is effected on May 1, 1975, not only will the identity of Local Union #72 be lost and the monies and property of Local Union #72 be irrevocably lost to the members of Local Union #72 and comingled with the monies and property of the new carpenters' local union to be formed pursuant to the directive, but also the appeal will be rendered moot and of no force and effect. Moreover, although the present members of Local Union #72 would constitute an overwhelming majority of the proposed new carpenters' local union, the present membership of Local Union #72 would not have a majority representation on the "pro tem Executive Committee" or on the Executive Committee of the new Local Union. Accordingly, the vested rights of the members of Local Union #72, as specifically preserved by Section 6-A, will be irrevocably and permanently lost;

(b) The total funds of Local Union #72 presently amount to approximately \$135,000. Upon information and belief,

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the total funds of the other four carpenters' local unions which would, pursuant to the directive dated April 10, 1975, be combined with Local Union #72, amount to only about \$20,000. Pursuant to the directive, and to information I have received from the General Representative of the United Brotherhood, all of these funds would become funds of the proposed new carpenters' local union. Therefore, if the directive dated April 10, 1975 is effectuated on May 1, 1975, the property rights of the members of Local Union #72 in their General Fund (approximately \$100,000) will be severely diluted and will be, in effect, a contribution of General Funds to the membership of the proposed new carpenters' local union, and the property rights of the members of Local Union #72 in their Contingency Fund (approximately \$35,000) will be permanently and totally lost;

(c) In addition, members of Local Union #72 serve as co-trustees, with management, for certain vested retirement, supplemental unemployment, medical and other beneficial funds. If the directive is effectuated, members of Local Union #72 would, presumably, lose any control over these funds;

(d) The results of the implementation of the directive dated April 10, 1975 would also destroy the identity and the autonomy of Local Union #72 and would constitute the imposition of a trusteeship by the United Brotherhood over Local Union #72. Section 6-D of the Constitution and Laws of the United Brotherhood provides that a trusteeship may be established only for one of the specific reasons set forth therein and, (by reference to Section 10-II) in the absence of a hearing, only subject to the right to appeal to the General Convention of the United Brotherhood.

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Section 6-D provides:

"The United Brotherhood of Carpenters and Joiners of America shall have the right to establish supervision over and to conduct the affairs of any subordinate body (including the removal of any or all officers of such subordinate body) to correct financial irregularities or to assure the performance of collective bargaining agreements and the responsibility of the subordinate body as a bargaining agent or to protect the interests and rights of the members or whenever the affairs of the subordinate body are conducted in such a manner as to be detrimental to the welfare of the members and to the best interests of the United Brotherhood, subject, however, to the provisions of Paragraph H of Section 10."

Section 10-H provides:

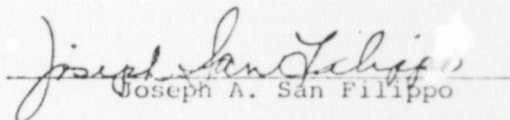
"Whenever it appears to the satisfaction of the General President that any Local Union or member thereof, or any District, State or Provincial Council is acting contrary to the welfare of the United Brotherhood of Carpenters and Joiners of America, or that supervision should be established over the conduct of the affairs of any subordinate body as set forth in Section 6-D, he may appoint a committee to hold a hearing, after due notice to such subordinate body or member. Upon completion of the hearing, the committee shall report its findings and recommendations to the General Executive Board and to the member or subordinate body involved. The General Executive Board is empowered to take such action as is necessary and proper for the welfare of the United Brotherhood of Carpenters and Joiners of America, subject, however, to the right of appeal to the next General Convention, to the extent permitted by Section 57G. If the General President determines that an emergency situation exists, he may appoint a representative to assume supervision over any Local Union or Council pending the holding of a hearing and the completion of the proceedings as provided for in this Section."

Upon information and belief, no hearings were held prior to the directive dated April 10, 1975, and no report or recommendations were received by Local Union #72. Therefore, if the

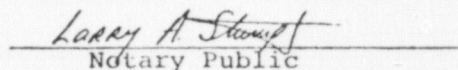
Order to Show Cause and Temporary Restraining Order,
issued 4-30-75 with Supporting Papers.

directive dated April 10, 1975 is effectuated on May 1, 1975, the right of Local Union #72 to appeal the imposition of the trusteeship will be rendered moot. Moreover, Local Union #72 is almost 100 years old and is an institution dear to the hearts of its members and clothed with sincere and meaningful tradition. If the directive dated April 10, 1975 is effectuated, the autonomy of Local Union #72, and its traditions, will be forever lost.

11. For the reasons set forth above, I most respectfully submit that this Court should issue an order temporarily restraining the United Brotherhood from effectuating the directive dated April 10, 1975.


Joseph A. San Filippo

Sworn to before me this
30th day of April, 1975.


Notary Public

LARRY A. STUMPF
Notary Public, State of New York
MONTICELLO, N.Y.
C. 19...

Order to Show Cause and Temporary Restraining Order,
issued 4-30-75 with Supporting Papers.

WILLIAM SIDELL
GENERAL PRESIDENT



UNITED BROTHERHOOD OF CARPENTERS
AND JOINERS OF AMERICA
101 CONSTITUTION AVE., N.W.
WASHINGTON, D. C. 20001

April 10, 1975

Mr. Joseph J. Catalfano, Secretary
Rochester & Vicinity District Council
58 North Fitzhugh Street
Rochester, New York 14614

Dear Sir and Brother:

As you are aware, there have been numerous problems in the Rochester and Vicinity District Council area over the years and General Office records reveal that, on certain occasions, it has become necessary to supervise the District Council activities. The files of the General Office and the First District Office are replete with correspondence from officers, representatives and individual members illustrating their concern over the situation in the area.

General Representative William Lawyer was assigned to make a complete and detailed investigation of the conditions within the District Council area.

The purpose of the investigation was to get firsthand knowledge of the situation and to further give each group an opportunity to recommend what they consider to be an appropriate solution. I have reviewed the files and reports on this matter and find the problems and dissension which existed over the years are continuing today.

Therefore, I assigned General Executive Board Member John S. Rogers to meet with the District Council delegates and the Executive Committees of affiliated Local Unions. At that meeting each individual was given an opportunity to address the chair and set forth their recommendations as to what would, in their judgment, be the solution.

It was apparent that the problems of the past and present stem from the basic structure of the District Council, and, therefore, pursuant to Section 6 A of the Constitution and Laws of the United Brotherhood, I have determined and direct:

That the Rochester & Vicinity District Council be dissolved.

That Local Unions 240, 502, 72, 662 and 1503 be consolidated under a new charter to be issued to include the construction

Order to Show Cause and Temporary Restraining Order,
issued 4-30-75 with Supporting Papers.

Mr. Joseph J. Catalfano, Secretary
Page two

April 10, 1975

membership of these local unions. Further, Local Unions 2407, 231, 687 and 2255 shall be consolidated and a new charter issued.

The "outside" carpenters presently members of Local 231 shall be transferred to the newly chartered carpenter local which would be comprised of the membership of Local Unions 240, 502, 72, 662 and 1508.

Local Union 2407 (soft floor), Local Union 231 (mill and cabinet) and Local Unions 687 and 2255 (industrial) have sufficient members to employ a fulltime representative to service the membership and organize.

The consolidations shall be effective May 1, 1975, and in the interim each of the Local Unions shall, in accordance with their membership, have pro rata representation on a pro tem Executive Committee which shall function for a period of approximately two months, after which a duly called election pursuant to the Constitution and Laws, with appropriate dispensation, shall be conducted, electing officers and business representatives initially for a two-year term and thereafter for a term of three years.

In the interim the present three fulltime officials currently employed by the District Council shall be assigned as business representatives to the newly chartered carpenter Local Union and serve under the direction of General Representative William Lawyer until the election is held.

The Local Union shall elect one business manager and two assistant business representatives. The current employment of an organizer should temporarily be discontinued until such time as the new Executive Committee and business representatives are elected, at which time the business manager should appoint such personnel.

The newly chartered carpenter Local Union shall have a general Business Representative-Financial Secretary, and sufficient clerical help shall be employed to work under his direction.

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Order to Show Cause and Temporary Restraining Order,
issued 4-30-75 with Supporting Papers.

Mr. Joseph J. Catalfano, Secretary
Page three

April 10, 1975

General Representative Lawyer is assigned to guide the newly formulated Local Unions and officers for a reasonable period to insure that the policies and objectives of the United Brotherhood and newly formed Local Unions are implemented.

Fraternally yours,



GENERAL PRESIDENT

WS:md

cc: Local Unions 72, 231, 240, 502, 662, 687, 1163, 1508, 2255-S, 2407
John S. Rogers
William Lawyer

Order to Show Cause and Temporary Restraining Order,
issued 4-30-75 with Supporting Papers.

CARPENTERS' LOCAL UNION No. 72

ROCHESTER, NEW YORK

UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA

INSTITUTED AUG. 12, 1881



— 32 —

Dear Sir and Brother:

At a meeting of Local No. 72, Rochester, New York on April 14, 1975, a Motion was made and carried to appeal the direction of the General President in consolidating Local No. 72 with other locals in the area, in that:

FIRST: Local No. 72 is, but a few years away from its 100th anniversary and the tradition of membership in such organizations is sacred to many members, whose membership range more than fifty (50) years. This has disheartened and destroyed the moral of many of the members, who have expressed deep regret and dissatisfaction. Thus, they would like to retain the No. Local 72.

SECOND: It is the expressed opinion of a majority of the membership that the solution of uniting all of the locals into one (1) local will create a problem that will paralyze the Local to the extent that it would combine factions under the same roof, in larger numbers, which would result in an impossible situation to conduct a meeting.

THIRD: The only problem that appears to have been present is the inability of the elected business representatives to get along with one another and to observe following supervision, in that they respectively held themselves out as being without responsibility to the membership or otherwise. Their principal objective was to maintain political strength rather than to fulfill their duties of performing in behalf of all the membership and the Brotherhood.

The problem is not with the organization, but the three (3) business representatives in their inability to either follow rules or get along. As a result there has developed factions that have tended to split the organization politically, but, nevertheless, the affairs of the Union were substantially conducted without any disorder or serious failure.

Order to Show Cause and Temporary Restraining Order,
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Page Two

It is the feeling of the vast majority of the Local that the solution offered by the International, at this point, will seriously create a situation that is by far more detrimental than what presently exists.

It would seem that if the problem is with the business representatives, then the solution must be applied to where the problem lies, that is- the necessity of dividing the Carpenters District Council into two unions, in which the representatives would be chargeable to the jurisdiction they are serving. We would, then have more direct responsibility and control by the membership with greater efficiency in the servicing of the membership of each local.

This would avoid the result under the present directive of causing dissension within the ranks of the entire membership, where the business representatives are utilizing their time merely to obtain political position, and are creating the problem that has developed from their very actions.

This problem is not the same as in previous years, when it was outside locals against Local 72, but there is no question that this, too, can be solved.

We do think that the International is much more capable of solving the problem, if it will attack the Bull's Eye.

In behalf of the membership, by whom I have been charged with of making this Appeal, we appreciate assistance, but feel what has been offered is a greater problem than a solution.

I have been directed, therefore, to file this Appeal with the General Executive Board in the best interest of the Brotherhood and request, if necessary, that the General Executive Board permit an oral Hearing with representation of this local to present our case so that a serious mistake may not be made.

Fraternally,

BM/sf

Robert Murphy, Recording Secretary

Joseph SanFilippo, President

Order to Show Cause and Temporary Restraining Order,
issued 4-30-75 with Supporting Papers.

CARPENTERS' LOCAL UNION No. 72

ROCHESTER, NEW YORK

UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA

INSTITUTED AUG. 12, 1881



— 32 —

April 24, 1975

Mr. R. E. Livingston
General Executive Board
United Brotherhood of Carpenters and Joiners of
America
101 Constitution Avenue N.W.
Washington, D.C. 20001

Dear Sir and Brother:

This is a grievance to the General President as to the conduct of the consolidation proceedings and an amendment to the Appeal to the General Executive Board previously filed on April 18, 1975.

The undersigned, as President and Secretary of Local No. 72 of the United Brotherhood of Carpenters and Joiners of America voice the sentiments of a large majority of Local 72's membership, including their own, to the manner in which the proceedings for the dissolution of the Carpenters District Council and the interim organizational supervision is being handled.

FIRST: The International is well aware of the fact that Local No. 72 represents one thousand eight (1008) members with a total of sixteen hundred (1600) members that will make up the new Carpenters Local.

The direction of the General President was that a committee will be appointed to conduct the affairs of the new Local pending the organization of the new local on a pro rata representation in a pro tem Executive Committee, which shall function for a period of approximately two (2) months.

SECOND: It has been stated by the International Representative, Mr. William Lawyer, directing the consolidation, that "Local No. 72, will in no way, have a majority on the Committee".

Order to Show Cause and Temporary Restraining Order,
issued 4-30-75 with Supporting Papers.

Mr. R. E. Livingston
Page Two
April 24, 1975

This, we protest is evidence of a biased approach and a denial of the rights of the membership of this Local as guaranteed under the Constitution of the Brotherhood and the law.

THIRD: We further protest the manner in which the consolidation is being handled in that Local No. 72, which is the only local that has a substantial treasury in the General Fund and which has not been used for campaign purposes to support parties prior to the reorganization and the coming election, now is denied its proper representation, which is 62.5% of the membership and should be reflected in the committee.

FOURTH: We protest the manner in which the Carpenters District Council has been divided as we have indicated in our previous Appeal to the General Executive Board, in that the obvious intent and purpose, as expressed by Mr. William Lawyer, is to prevent the majority from having its proper rights as a majority.

There is no evidence to indicate that Local No. 72 has dominated or taken advantage of any other local or membership in the Carpenters District Council.

It appears to the contrary and if the General President and the Executive Board had been told the truth, then they would know that, but obviously, from the information revealed by the International Representative, it does appear that the General President has been grossly misled and he deserves to know the facts.

FIFTH: We protest the decision of the General President in this proceeding because the opinions and wishes of the membership at large has not been sought or considered in the investigation of the situation.

SIXTH: We further protest that no preparation has been made for the orderly transfer of property and rights, which will affect the obligations of Local No. 72 and any other Local. No written instructions or procedures have been given to this Local and as far as we know, any other local, except the word from Brother William Lawyer, which changes from moment to moment.

Order to Show Cause and Temporary Restraining Order,
issued 4-30-75 with Supporting Papers.

Mr. R. E. Livingston
Page Three
April 24, 1975

SEVENTH: The formula and procedure being applied to the problem is creating a monster that is only obvious to those who are on the scene and affected by it. We cannot believe that it is well intended.

We respectfully request an immediate Hearing before the General President and the General Executive Board because of the urgency and obvious results of the conduct and design of these consolidation proceedings.

Fraternally yours,

ROBERT MURPHY, Secretary
JOSEPH SAN FILIPPO, President

sf

Order to Show Cause and Temporary Restraining Order,
issued 4-30-75 with Supporting Papers.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JOSEPH A. SAN FILIPPO, as President of
Local #72, United Brotherhood of Carpenters
and Joiners of America, and ROBERT S.
MURPHY, as Secretary of Local #72, United
Brotherhood of Carpenters and Joiners of
America, and LOCAL #72, UNITED BROTHERHOOD
OF CARPENTERS AND JOINERS OF AMERICA,

Plaintiffs,

vs.

UNITED BROTHERHOOD OF CARPENTERS AND
JOINERS OF AMERICA,

Defendant.

ATTORNEY'S
AFFIDAVIT

STATE OF NEW YORK
COUNTY OF MONROE

LARRY A. STUMPF being duly sworn, deposes and says:

1. I am an attorney associated with Goldstein, Goldman, Kessler and Underberg, attorneys for the plaintiff herein. I make this affidavit, pursuant to Rule 65(b) F.R.C.P., in support of plaintiff's application for an order to show cause and temporary restraining order. I am familiar with the facts herein-after stated, based upon my conversations with plaintiff Joseph A. San Filippo and other officers of plaintiff Local Union #72 and my review of records and correspondence provided to me by members of Local Union #72.

2. Plaintiffs have not given notice to defendant of this application for an order to show cause and temporary restraining order. I respectfully submit that an order to show cause and

Order to Show Cause and Temporary Restraining Order,
issued 4-30-75 with Supporting Papers.

temporary restraining order should be issued by this Court without notice to the defendant for the following reasons:

(a) Our office was first consulted by plaintiffs in connection with this matter on Thursday, April 24, 1975;

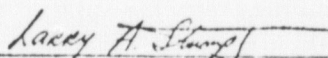
(b) At that time our office was asked to investigate the feasibility of attempting to obtain judicial relief on behalf of plaintiffs from the directive of the United Brotherhood, dated April 10, 1975, which is the subject of this action;

(c) At a special meeting of the membership of Local Union #72 on Tuesday evening, April 29, 1975, the membership of Local Union #72, by motion duly made and approved, first authorized the initiation of this action;

(d) By the terms of the directive, dated April 10, 1975, the dissolution of Local Union #72, the loss of its autonomy, the dissipation of its funds, and the other actions therein directed, are to become effective on Thursday, May 1, 1975 unless the United Brotherhood is restrained from taking such actions prior thereto.

3. For the reasons set forth above, in the verified complaint and in the affidavit of plaintiff Joseph A. San Filippo submitted in support of this application, I respectfully submit that requiring plaintiffs to give notice to defendant, prior to the issuance of the relief herein sought, in the form of a temporary restraining order, would result in immediate and irreparable injury, loss and damage to plaintiffs and would render plaintiffs without an adequate remedy.

4. No previous application has been made for the relief requested herein.


Larry A. Stumpf

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Order to Show Cause and Temporary Restraining Order,
issued 4-30-75 with Supporting Papers.

Sworn to before me

this 30th day of April, 1975.

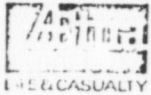
Alma G. Willis

Notary Public

ALMA G. WILLIS, Notary Public
State of New York, County of Monroe
My Commission Expires March 30, 1977

A63

Order to Show Cause and Temporary Restraining Order,
issued 4-30-75 with Supporting Papers.



UNDERTAKING
ON INJUNCTION

TEMPORARY RESTRAINING ORDER

THE AETNA CASUALTY AND SURETY COMPANY
Hartford, Connecticut 06115

45S21835BCA

Joseph A. SanFilipo, as President of
Local #72, United Brotherhood of
Carpenters & Joiners of America and
Robert S. Murphy, as Secretary, and
Local #72

CIVIL PRACTICE LAW & RULES R 63.1(b)

Plaintiff

U. S. DISTRICT COURT
WESTERN DISTRICT OF
NEW YORK

against
United Brotherhood of Carpenters and
Joiners of America

Defendant

JUSTICES OF U. S. DISTRICT COURT,
THE ABOVE NAMED PLAINTIFF having applied to one of the WESTERN DISTRICT OF NEW YORK
of this Court for ~~an order~~ in the above entitled action, restraining and enjoining the Defendant
Temporary Restraining Order

NOW, THEREFORE, pursuant to the Statute in such case made and provided, THE AETNA CASUALTY AND SURETY
COMPANY, of Hartford, Connecticut, having an office and usual place of business at 1000 Sibley Tower,
Rochester, N.Y. undertakes in the sum of One Thousand & 00/100 (\$1,000.00) Dollars,
that the plaintiff will pay to the defendant if so enjoined, such
damages, not exceeding the before mentioned sum, as he may sustain by reason of the injunction, if the Court
finally decides that the plaintiff was not entitled thereto, such damages to be ascertained and determined
by the Court, or by a Referee appointed by the Court, or by a writ of inquiry or otherwise as the Court shall direct

Dated April 30, 1975

THE AETNA CASUALTY AND SURETY COMPANY

By

Thomas T. Hanford
THOMAS T. HANFORD
Attorney in Fact

Order to Show Cause and Temporary Restraining Order,
issued 4-30-75 with Supporting Papers.

STATE OF NEW YORK
COUNTY OF Monroe

} ss.

On this 30th day of April, 1975, before me personally came

Thomas T. Hanford

to me known, who, being by me duly sworn, did depose and say That he resides in the City of Rochester, N.Y.

AND SURETY COMPANY, the corporation described in and which executed the within instrument, that he knows the corporate seal of said Company, that the seal affixed to said instrument is such corporate seal that it was so affixed by him and that he signed said instrument as Attorney in Fact by authority of the Board of Directors of said Company and by authority of his office under the By Laws of said Company, and affirm did further depose and say that the Superintendent of Insurance of the State of New York has, pursuant to Chapter 832 of the Laws of the State of New York for the year 1981, constituting Chapter 28 of the Consolidated Laws of the State of New York known as the Insurance Law as amended, issued to THE AETNA CASUALTY AND SURETY COMPANY his certificate that said Company is qualified to become and be accepted as surety or guarantor on all bonds, undertakings, recognizances, and other obligations required or permitted by law, and that such certificate has not been revoked.

Ellen M. Schwind

ELLAN M. SCHWIND

NOTARY PUBLIC, State of N.Y., Monroe County

Notary Public

My Commission Expires March 30, 1976

The within instrument has been executed by the above named officer by authority of the Board of Directors and of the following provisions of the By Laws of the aforesaid THE AETNA CASUALTY AND SURETY COMPANY, which provisions are now in full force and effect and are the only applicable provisions of said By Laws.

ARTICLE IV

Section 8. The President, any Vice President, or any Secretary may from time to time appoint Resident Vice Presidents, Resident Assistant Secretaries, Attorneys in Fact, and Agents to act for and on behalf of the Company and may give any such appointee such authority as his certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking and any of said officers or the Board of Directors may at any time remove any such appointee and revoke the power and authority given him.

Section 10. Any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President or a Vice President or by a Resident Vice President, pursuant to the power prescribed in the certificate of authority of such Resident Vice President, and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary or by a Resident Assistant Secretary, pursuant to the power prescribed in the certificate of authority of such Resident Assistant Secretary, or (b) duly executed (under seal, if required) by one or more Attorneys in Fact pursuant to the power prescribed in his or their certificate or certificates of authority.

STATE OF NEW YORK
COUNTY OF Monroe

} ss.

I, Thomas T. Hanford, Attorney-in-Fact of THE AETNA CASUALTY AND SURETY COMPANY, of Hartford, Connecticut, hereby certify that the foregoing transcript of the provisions of the By Laws of said Company has been compared with the original provisions as recorded in the Minute Book of said Company, and that the same is a true and correct transcript therefrom, and of the whole of said original provisions.

Given under my hand and the seal of the Company, at the city of Rochester, New York
this 30th day of April, 1975

Thomas T. Hanford (Attorney in Fact)

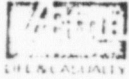
UNDERTAKING ON INJUNCTION

I approve of the within bond as to its form and sufficiency of the Surety.

Dated _____, 1975

THE AETNA CASUALTY AND SURETY COMPANY
Hartford, Connecticut 06115

Order to Show Cause and Temporary Restraining Order,
issued 4-30-75 with Supporting Papers.



THE Aetna CASUALTY AND SURETY COMPANY
Hartford, Connecticut 06115

ATTORNEY-IN-FACT JUSTIFICATION

PRINCIPAL'S ACKNOWLEDGMENT - IF A CORPORATION

State of New York, County of _____

On this _____ day of _____, 19____, before me personally appeared _____, to me known, who, being by me duly sworn, deposes and says: That he resides in the City of _____ of _____ the corporation described in and which executed the within instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation; and that he expects to receive there to by like order.

PRINCIPAL'S ACKNOWLEDGMENT - IF INDIVIDUAL OR FIRM

State of New York, County of _____

On this _____ day of _____, 19____, before me personally appeared _____, to me known to be (the individual) (one of the firm of _____) described in and who executed the within instrument, and he thereupon duly acknowledged to me that he executed the same for the act and deed of said firm.

SURETY COMPANY'S ACKNOWLEDGMENT

State of New York, County of Monroe

On this 30th day of April, 1975, before me personally appeared Thomas T. Hanford, to me known, who, being by me duly sworn, did depose and say: That he resides in the City of Rochester, N.Y. That he is Attorney-in-Fact of THE Aetna CASUALTY AND SURETY COMPANY, the corporation described in and which executed the within instrument; that he knows the corporate seal of said Company; that the seal affixed to said instrument is such corporate seal; that it was so affixed by him and that he signed said instrument as Attorney-in-Fact by authority of the Board of Directors of said Company; and affiant did further depose and say that the Superintendent of Insurance of the State of New York has, pursuant to Chapter 842 of the Laws of the State of New York for the year 1959, constituting Chapter 28 of the Consolidated Laws of the State of New York known as the Insurance Law, as amended, issued to THE Aetna CASUALTY AND SURETY COMPANY his certificate that said Company is qualified to become and be accepted as surety or guarantor on all bonds, undertakings, recognizances, guaranties, and other obligations required or permitted by law; and that such certificate has not been revoked.

Eleanor M. Schwend
ELEANOR M. SCHWEND, Notary Public

(Use Alone, or with S-1921 (M),
S-1922 (M), or S-1923 (M).
(S-1879 E) (M) 4-73

NOTARY PUBLIC, State of N. Y. Monroe County

My Commission Expires March 30, 1976

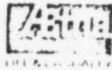
THE Aetna CASUALTY AND SURETY COMPANY
HARTFORD, CONNECTICUT 06115
FINANCIAL STATEMENT AS OF DECEMBER 31, 1974
AS FILED WITH THE INSURANCE DEPT. OF THE STATE OF NEW YORK
CAPITAL STOCK \$ 25,000,000

| ASSETS | | LIABILITIES | |
|-----------------------------------|------------------|---|------------------|
| Cash | \$ 16,348,420 | Unearned premiums | \$ 458,500,497 |
| Bonds | 1,065,512,396 | Losses | 873,821,591 |
| Stocks | 363,834,391 | Loss adjustment expenses | 136,124,071 |
| Mortgage Loans | 1,300,000 | Accrued expenses and other liabilities | 126,421,713 |
| Real Estate | 4,117,691 | Federal income taxes | 1,149,186 |
| Investment income due and accrued | 21,813,842 | Reserve for reinsurance in companies not authorized in New York | 12,093,919 |
| Premium balances | 172,925,386 | Total Liabilities | \$ 1,605,812,605 |
| Other assets | 145,259,094 | | |
| Total Assets | \$ 1,791,111,220 | Investment contingency reserve and other special surplus funds \$ | 5,999,485 |
| | | Capital Stock | 25,000,000 |
| | | Paid in surplus | 73,020,050 |
| | | Other surplus | 81,279,000 |
| | | Surplus to policyholders | 185,298,615 |
| | | Total | \$ 1,791,111,220 |

Equities carried at \$ 59,920,216

In above statement are deposited with public authorities, as required by law

Order to Show Cause and Temporary Restraining Order,
issued 4-30-75 with Supporting Papers.



THE AETNA CASUALTY AND SURETY COMPANY
Hartford, Connecticut 06115

POWER OF ATTORNEY AND CERTIFICATE OF AUTHORITY OF ATTORNEY(S) IN FACT

KNOW ALL MEN BY THESE PRESENTS, THAT THE AETNA CASUALTY AND SURETY COMPANY, a corporation duly organized under the laws of the State of Connecticut and having its principal office in the City of Hartford, County of Hartford, State of Connecticut, hath made, constituted and approved and does by these presents make, constitute and approve: James T. Henderson or Thomas T. Hanford -

of Rochester, New York as true and lawful attorneys in fact, with full power and authority hereby conferred to sign, execute and acknowledge at any place within the United States, or at the following time, to be filed in, within the time therein designated, the following instrument(s):

by his sole signature and not any and all bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance or conditional undertaking, and any and all contracts incident thereto.

and to bind THE AETNA CASUALTY AND SURETY COMPANY, therein as aforesaid and to the same extent as if the same were signed by the duly authorized officers of THE AETNA CASUALTY AND SURETY COMPANY, and all the acts of said Attorneys in fact, pursuant to the authority herein given, are hereby authorized and confirmed.

This appointment is made under and by authority of the following Standing Resolutions of said Company, which Resolutions are now in full force and effect:

VOTED: That each of the following officers: Chairman, Vice Chairman, President, Any Executive Vice President, Any Senior Vice President, Any Vice President, Any Assistant Vice President, Any Secretary, Any Assistant Secretary, may from time to time appoint Resident Vice Presidents, Resident Assistant Secretaries, Attorneys in Fact, and Agents to act for and on behalf of the Company and may give any such appointee such authority as his certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal, bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors may at any time remove any such appointee and revoke the power and authority given him.

VOTED: That any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when it is signed by the Chairman, the Vice Chairman, the President, an Executive Vice President, a Senior Vice President, a Vice President, an Assistant Vice President, or by a Resident Vice President, pursuant to the power prescribed in the certificate of authority of such Resident Vice President, and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary or by a Resident Assistant Secretary, pursuant to the power prescribed in the certificate of authority of such Resident Assistant Secretary, or if duly executed under seal, if required, by one or more Attorneys in Fact pursuant to the power prescribed in his or their certificate or certificates of authority.

This Power of Attorney and Certificate of Authority is signed and sealed by facsimile under and by authority of the following Standing Resolution voted by the Board of Directors of THE AETNA CASUALTY AND SURETY COMPANY, which Resolution is now in full force and effect:

VOTED: That the signature of each of the following officers: Chairman, Vice Chairman, President, Any Executive Vice President, Any Senior Vice President, Any Vice President, Any Assistant Vice President, Any Secretary, Any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys in Fact, for purposes only of executing and attesting bonds and other writings obligatory in the nature thereof, and any such power of attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.

IN WITNESS WHEREOF, THE AETNA CASUALTY AND SURETY COMPANY has caused this instrument to be signed by its Secretary, and its corporate seal to be hereto affixed this 11th day of March 1975



THE AETNA CASUALTY AND SURETY COMPANY

By B. I. Radding
B. I. Radding, Secretary

State of Connecticut }
County of Hartford } ss. Hartford

On this 11th day of March 1975 before me personally came B. I. RADDING, Secretary of the above named company, who being by me duly sworn, did depose and say that he is the known and lawful Secretary of THE AETNA CASUALTY AND SURETY COMPANY, the corporation described in and which executed the aforesaid instrument, that he knows the seal of said corporation, that the seal affixed to the said instrument is such corporate seal, and that he executed the said instrument on behalf of the corporation by authority of his office under the Standing Resolutions thereof.



Mary J. Kingston
My commission expires March 11, 1980 Notary Public
Mary J. Kingston

CERTIFICATE
Assistant Secretary

I, the undersigned, Assistant Secretary of THE AETNA CASUALTY AND SURETY COMPANY, a stock corporation of the State of Connecticut, do hereby certify that the facsimile and attached Power of Attorney and Certificate of Authority contains in full force and has not been revoked, and furthermore, that the Standing Resolutions of the Board of Directors as set forth in the Certificate of Authority, are true and correct.

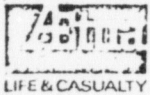
Signed and Sealed at the Home Office of the Company, in the City of Hartford, State of Connecticut, dated this 30th day of April 1975



By A. J. C. King
Assistant Secretary,
A. J. C. King

A67

Order to Show Cause and Temporary Restraining Order,
issued 4-30-75 with Supporting Papers.



UNDERTAKING
ON INJUNCTION

TEMPORARY RESTRAINING ORDER

THE AETNA CASUALTY AND SURETY COMPANY
Hartford, Connecticut 06115

45S21835BCA

Joseph A. SanFilipo, as President of
Local #72, United Brotherhood of
Carpenters & Joiners of America and
Robert S. Murphy, as Secretary, and
Local #72

CIVIL PRACTICE LAW & RULES R 6312(b)

Plaintiff

U. S. DISTRICT COURT
WESTERN DISTRICT OF
NEW YORK

United Brotherhood of Carpenters and
Joiners of America

Defendant

JUSTICES OF U. S. DISTRICT COURT,
THE ABOVE NAMED PLAINTIFF having applied to one of the WESTERN DISTRICT OF NEW YORK
of this Court for ~~an order~~ in the above entitled action, restraining and enjoining the Defendant
Temporary Restraining Order

NOW, THEREFORE, pursuant to the Statute in such case made and provided, THE AETNA CASUALTY AND SURETY
COMPANY, of Hartford, Connecticut, having an office and usual place of business at 1000 Sibley Tower,
Rochester, N.Y. undertakes in the sum of One Thousand & 00/100 (\$1,000.00) Dollars,
that the plaintiff will pay to the defendant if so enjoined, such
damages, not exceeding the before mentioned sum, as he may sustain by reason of the injunction, if the Court
finally decides that the plaintiff was not entitled thereto, such damages to be ascertained and determined
by the Court, or by a Referee appointed by the Court, or by a writ of inquiry or otherwise as the Court shall direct.

Dated April 30, 1975

THE AETNA CASUALTY AND SURETY COMPANY

By

THOMAS T. HANFORD

Attorney in Fact

Order to Show Cause and Temporary Restraining Order,
issued 4-30-75 with Supporting Papers.

STATE OF NEW YORK
COUNTY OF Monroe

On this 30th day of April, 1975, before me personally came

Thomas T. Hanford

to me known, who, being by me duly sworn, did depose and say: That he resides in the City of Rochester, N.Y., that he is Attorney-in-Fact of THE AETNA CASUALTY AND SURETY COMPANY, the corporation described in and which executed the within instrument, that he knows the corporate seal of said Company, that the seal affixed to said instrument is such corporate seal, that it was so affixed by him and that he signed said instrument as Attorney-in-Fact by authority of the Board of Directors of said Company and by authority of his office under the By-Laws of said Company, and affiant did further depose and say that the Superintendent of Insurance of the State of New York has, pursuant to Chapter 867 of the Laws of the State of New York for the year 1974, constituting Chapter 28 of the Consolidated Laws of the State of New York known as the Insurance Law as amended, issued to THE AETNA CASUALTY AND SURETY COMPANY his certificate that said Company is qualified to become and be accepted as surety or guarantor on all bonds, undertakings, recognizances, and other obligations required or permitted by law, and that such certificate has not been revoked.

Ellen M. Schwind

ELLEN M. SCHWIND

NOTARY PUBLIC, State of N.Y., Monroe County

Notary Public

My Commission Expires March 30, 1976

The within instrument has been executed by the above named officer by authority of the Board of Directors and of the following provisions of the By-laws of the aforesaid THE AETNA CASUALTY AND SURETY COMPANY, which provisions are now in full force and effect and are the only applicable provisions of said By-laws.

ARTICLE IV

Section 8. The President, any Vice President, or any Secretary may from time to time appoint Resident Vice Presidents, Resident Assistant Secretaries, Attorneys-in-Fact, and Agents to act for and on behalf of the Company and may give any such appointee such authority as his certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking and any of said officers or the Board of Directors may at any time remove any such appointee and revoke the power and authority given him.

Section 10. Any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President or a Vice President or by a Resident Vice President, pursuant to the power prescribed in the certificate of authority of such Resident Vice President, and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary or by a Resident Assistant Secretary, pursuant to the power prescribed in the certificate of authority of such Resident Assistant Secretary, or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact pursuant to the power prescribed in his or their certificate or certificates of authority.

STATE OF NEW YORK
COUNTY OF Monroe

I, Thomas T. Hanford, Attorney-in-Fact of THE AETNA CASUALTY AND SURETY COMPANY, of Hartford, Connecticut, hereby certify that the foregoing transcript of the provisions of the By-laws of said Company has been compared with the original provisions as recorded in the Minute Book of said Company, and that the same is a true and correct transcript therefrom, and of the whole of said original provisions.

Given under my hand and the seal of the Company, at the city of
this 30th day of April, 1975

Rochester, New York

Thomas T. Hanford (Attorney-in-Fact)

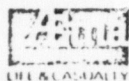
UNDERTAKING ON INJUNCTION

I approve of the within bond as to its form and sufficiency of the Surety.

Dated 19

THE AETNA CASUALTY AND SURETY COMPANY
Hartford, Connecticut 06115

Order to Show Cause and Temporary Restraining Order,
issued 4-30-75 with Supporting Papers.



THE AETNA CASUALTY AND SURETY COMPANY
Hartford, Connecticut 06115

ATTORNEY-IN-FACT JUSTIFICATION

PRINCIPAL'S ACKNOWLEDGMENT - IF A CORPORATION

State of New York, County of _____ } ss.
On this _____ day of _____, 19____, before me personally appeared _____
to me known, who, being by me duly sworn, deposes and says: That he resides in the City of _____
that he is the _____ of _____
the corporation described in and which executed the within instrument; that he knows the seal of said corporation; that the seal affixed to said
instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation; and that he signed his name there-
to by like order.

PRINCIPAL'S ACKNOWLEDGMENT - IF INDIVIDUAL OR FIRM

State of New York, County of _____ } ss.
On this _____ day of _____, 19____, before me personally appeared _____
to me known to be (the individual) (one of the firm of _____) I described in and who ex-
ecuted the within instrument, and he thereupon duly acknowledged to me that he executed the same (as the act and deed of said firm).

SURETY COMPANY'S ACKNOWLEDGMENT

State of New York, County of Monroe } ss.
On this 30th day of April, 1975, before me personally appeared Thomas T. Hanford
to me known, who, being by me duly sworn, did depose and say: That he resides in the City of Rochester, N.Y.
that he is Attorney-in-Fact of THE AETNA CASUALTY AND SURETY COMPANY, the corporation described in and which executed the within instru-
ment; that he knows the corporate seal of said Company; that the seal affixed to said instrument is such corporate seal; that it was so affixed by
him and that he signed said instrument as Attorney-in-Fact by authority of the Board of Directors of said Company; and affiant did further depose
and say that the Superintendent of Insurance of the State of New York has, pursuant to Chapter 882 of the Laws of the State of New York for the
year 1939, constituting Chapter 28 of the Consolidated Laws of the State of New York known as the Insurance Law as amended, issued to THE
AETNA CASUALTY AND SURETY COMPANY his certificate that said Company is qualified to become and he accepted as surety or guarantor on all
bonds, undertakings, recognizances, guaranties, and other obligations required or permitted by law; and that such certificate has not been revoked.

Eleanor M. Schwind
ELEANOR M. SCHWIND, Notary Public

NOTARY PUBLIC, State of N. Y., Monroe County

My Commission Expires March 30, 1976 PRINTED IN U.S.A.

(Use alone, or with S-1021 (M),
S-1922 (M), or S-1923 (M))
(S-1879 L) (M) 4-73

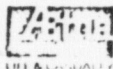
THE AETNA CASUALTY AND SURETY COMPANY
HARTFORD, CONNECTICUT 06115
FINANCIAL STATEMENT AS OF DECEMBER 31, 1974
AS FILED WITH THE INSURANCE DEPT. OF THE STATE OF NEW YORK
CAPITAL STOCK \$ 25,000,000

| ASSETS | | LIABILITIES | |
|--------------------------------------|------------------|--|------------------|
| Cash | \$ 16,348,420 | Unearned premiums | \$ 458,500,497 |
| Bonds | 1,065,512,396 | Losses | 873,821,591 |
| Stocks | 363,834,391 | Loss adjustment expenses | 136,124,071 |
| Mortgage Loans | 1,300,000 | Accrued expenses and other liabilities | 126,421,713 |
| Real Estate | 4,117,691 | Federal income taxes | 1,149,186- |
| Investment income due and accrued | 21,813,242 | Reserve for reinsurance in companies not authorized in New York | 12,093,919 |
| Premium balances | 172,925,386 | Total Liabilities | \$ 1,605,812,605 |
| Other assets | 145,259,094 | | |
| | | Investment contingency reserve and other | |
| | | Special surplus funds \$ | 5,999,485 |
| | | Capital Stock | 25,000,000 |
| | | Paid in surplus | 73,020,050 |
| | | Other surplus | 81,279,080 |
| | | Surplus to policyholders | 185,298,615 |
| Total Assets | \$ 1,791,111,220 | Total | \$ 1,791,111,220 |

Securities Carried at \$ 59,920,216

in above statement are deposited with public authorities, as required by law.

Order to Show Cause and Temporary Restraining Order,
issued 4-30-75 with Supporting Papers.



THE AETNA CASUALTY AND SURETY COMPANY
Hartford, Connecticut 06115

POWER OF ATTORNEY AND CERTIFICATE OF AUTHORITY OF ATTORNEY(S) IN FACT

KNOW ALL MEN BY THESE PRESENTS, THAT THE AETNA CASUALTY AND SURETY COMPANY, a corporation duly organized under the laws of the State of Connecticut, and having its principal office in the City of Hartford, County of Hartford, State of Connecticut, hath made, constituted and appointed, and does by these presents make, constitute and appoint, **James T. Henderson or Thomas T. Hanford** - -

of **Rochester, New York**, its true and lawful Attorney-in-Fact, with full power and authority hereby conferred to sign a note and acknowledge at any place within the United States, or at the following one to be filled in within the next three designated the following instrument(s):

by his sole signature and act any and all bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance or conditional undertaking, and any and all covenants incident thereto.

and to bind THE AETNA CASUALTY AND SURETY COMPANY, thereby as fully and to the same extent as if the same were signed by the duly authorized officers of THE AETNA CASUALTY AND SURETY COMPANY, and all the acts of said Attorneys-in-Fact pursuant to the authority herein given, are hereby ratified and confirmed.

This appointment is made under and by authority of the following Standing Resolution of said Company, which Resolutions are now in full force and effect:

VOTED: That each of the following officers, Chairman, Vice Chairman, President, Any Executive Vice President, Any Senior Vice President, Any Vice President, Any Assistant Vice President, Any Secretary, Any Assistant Secretary, may from time to time appoint Resident Vice Presidents, Resident Assistant Secretaries, Attorneys-in-Fact, and Agents to act for and on behalf of the Company, and may give any such appointee such authority as his certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors may at any time remove any such appointee and revoke the power and authority given him.

VOTED: That any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the Chairman, the Vice Chairman, the President, an Executive Vice President, a Senior Vice President, a Vice President, an Assistant Vice President or by a Resident Vice President, pursuant to the power prescribed in the certificate of authority of such Resident Vice President, and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary or by a Resident Assistant Secretary, pursuant to the power prescribed in the certificate of authority of such Resident Assistant Secretary, or (b) duly executed under seal, if required by one or more Attorneys-in-Fact pursuant to the power prescribed in his or their certificate or certificates of authority.

This Power of Attorney and Certificate of Authority is signed and sealed by facsimile under and by authority of the following Standing Resolution voted by the Board of Directors of THE AETNA CASUALTY AND SURETY COMPANY, which Resolution is now in full force and effect:

VOTED: That the signature of each of the following officers, Chairman, Vice Chairman, President, Any Executive Vice President, Any Senior Vice President, Any Vice President, Any Assistant Vice President, Any Secretary, Any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings, and other writings obligatory in the nature thereof, and any such power of attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.

IN WITNESS WHEREOF, THE AETNA CASUALTY AND SURETY COMPANY has caused this instrument to be signed by its

Secretary

and its corporate seal to be hereto affixed this **11th** day of **March**, 19 **75**



THE AETNA CASUALTY AND SURETY COMPANY

By **B. I. Radding**
B. I. Radding, Secretary

State of Connecticut

County of Hartford

On this **11th** day of **March**, 19 **75**

before me personally came

B. I. RADDING
Secretary

of

THE AETNA CASUALTY AND SURETY COMPANY, the corporation described in and which executed the above instrument, that he knows the seal of said corporation, that the seal affixed to the said instrument is such corporate seal, and that he executed the said instrument on behalf of the corporation by authority of his office under the Standing Resolutions thereof.



Mary J. Kingston
My commission expires March 31, 1980
Mary J. Kingston
Notary Public

CERTIFICATE

Assistant Secretary

I, the undersigned, **Assistant Secretary** of THE AETNA CASUALTY AND SURETY COMPANY, a stock corporation of the State of Connecticut, DO HEREBY CERTIFY that the foregoing and attached Power of Attorney and Certificate of Authority remains in full force and has not been revoked, and furthermore, that the Standing Resolutions of the Board of Directors, as set forth in the Certificate of Authority, are now in force.

Signed and Sealed at the Home Office of the Company, in the City of Hartford, State of Connecticut, Dated this

30th

day of

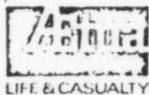
April

19 **75**



By **A. J. Gellman**
Assistant Secretary,
A. J. Gellman
Notary Public, U.S.A.

Order to Show Cause and Temporary Restraining Order,
issued 4-30-75 with Supporting Papers.



UNDERTAKING
ON INJUNCTION

TEMPORARY RESTRAINING ORDER

THE AETNA CASUALTY AND SURETY COMPANY
Hartford, Connecticut 06115

45S21835BCA

Joseph A. SanFilipo, as President of
Local #72, United Brotherhood of
Carpenters & Joiners of America and
Robert S. Murphy, as Secretary, and
Local #72

CIVIL PRACTICE LAW & RULES R 6312(b)

Plaintiff

U. S. DISTRICT COURT
WESTERN DISTRICT OF
NEW YORK

United ^{against} Brotherhood of Carpenters and
Joiners of America

Defendant

JUSTICES OF U. S. DISTRICT COURT,

THE ABOVE NAMED PLAINTIFF having applied to one of the WESTERN DISTRICT OF NEW YORK
of this Court for a ~~temporary restraining order~~ in the above entitled action, restraining and enjoining the Defendant
Temporary Restraining Order

NOW, THEREFORE, pursuant to the Statute in such case made and provided, THE AETNA CASUALTY AND SURETY
COMPANY, of Hartford, Connecticut, having an office and usual place of business at 1000 Sibley Tower,
Rochester, N.Y. undertakes in the sum of One Thousand & 00/100 (\$1,000.00) Dollars,
that the plaintiff will pay to the defendant if so enjoined, such
damages, not exceeding the before mentioned sum, as he may sustain by reason of the injunction, if the Court
finally decides that the plaintiff was not entitled thereto, such damages to be ascertained and determined
by the Court, or by a Referee appointed by the Court, or by a writ of inquiry or otherwise as the Court shall direct.

Dated April 30, 1975

THE AETNA CASUALTY AND SURETY COMPANY

By

Thomas T. Hanford
THOMAS T. HANFORD Attorney in fact

Order to Show Cause and Temporary Restraining Order,
issued 4-30-75 with Supporting Papers.

STATE OF NEW YORK
COUNTY OF Monroe

} ss.

On this 30th day of April, 1975, before me personally came

Thomas T. Hanford

to me known, who, being by me duly sworn, did depose and say: That he resides in the City of Rochester, N.Y.,

that he is Attorney in Fact of THE AETNA CASUALTY AND SURETY COMPANY, the corporation described in and which executed the within instrument, that he knows the corporate seal of said Company, that the seal affixed to said instrument is such corporate seal, that it was so affixed by him and that he signed said instrument as Attorney in Fact by authority of the Board of Directors of said Company and by authority of his office under the By laws of said Company, and affiant did further depose and say that the Superintendent of Insurance of the State of New York has, pursuant to Chapter 882 of the Laws of the State of New York for the year 1981, constituting Chapter 28 of the Consolidated Laws of the State of New York known as the Insurance Law as amended, issued to THE AETNA CASUALTY AND SURETY COMPANY his certificate that said Company is qualified to become and be accepted as surety or guarantor on all bonds, undertakings, recognizances, guaranties, and other obligations required or permitted by law, and that such certificate has not been revoked.

Eleanor M. Schwind

ELEANOR M. SCHWIND

NOTARY PUBLIC, State of N.Y., Monroe County

Notary Public

The within instrument has been executed by the above named officer by authority of the Board of Directors and of the following provisions of the By laws of the aforesaid THE AETNA CASUALTY AND SURETY COMPANY, which provisions are now in full force and effect and are the only applicable provisions of said By laws.

ARTICLE IV

Section 8. The President, any Vice President, or any Secretary may from time to time appoint Resident Vice Presidents, Resident Assistant Secretaries, Attorneys in Fact, and Agents to act for and on behalf of the Company and may give any such appointee such authority as his certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking and any of said officers or the Board of Directors may at any time remove any such appointee and revoke the power and authority given him.

Section 10. Any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President or a Vice President or by a Resident Vice President, pursuant to the power prescribed in the certificate of authority of such Resident Vice President, and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary or by a Resident Assistant Secretary, pursuant to the power prescribed in the certificate of authority of such Resident Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys in Fact pursuant to the power prescribed in his or their certificate or certificates of authority.

STATE OF NEW YORK
COUNTY OF Monroe

} ss.

I, Thomas T. Hanford, Attorney-in-Fact of THE AETNA CASUALTY AND SURETY COMPANY, of Hartford, Connecticut, hereby certify that the foregoing transcript of the provisions of the By laws of said Company has been compared with the original provisions as recorded in the Minute Book of said Company, and that the same is a true and correct transcript therefrom, and of the whole of said original provisions.

Given under my hand and the seal of the Company, at the city of
this 30th day of April, 1975

Rochester, New York

Thomas T. Hanford

(Attorney in Fact)

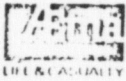
UNDERTAKING ON INJUNCTION

I approve of the within bond as to its form and
sufficiency of the Surety.

Dated 19

THE AETNA CASUALTY AND SURETY COMPANY
Hartford, Connecticut 06115

Order to Show Cause and Temporary Restraining Order,
issued 4-30-75 with Supporting Papers.



THE AETNA CASUALTY AND SURETY COMPANY
Hartford, Connecticut 06115

ATTORNEY-IN-FACT JUSTIFICATION

PRINCIPAL'S ACKNOWLEDGMENT - IF A CORPORATION

State of New York, County of

} ss.

On this day of , 19 , before me personally appeared
to me known, who, being by me duly sworn, deposes and says: That he resides in the City of
that he is the of

the corporation described in and which executed the within instrument; that he knows the seal of said corporation, that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation, and that he signed his name there to by like order.

PRINCIPAL'S ACKNOWLEDGMENT - IF INDIVIDUAL OR FIRM

State of New York, County of

} ss.

On this day of , 19 , before me personally appeared

to me known to be (the individual) (one of the firm of) described in and who executed the within instrument, and he personally duly acknowledged to me that he executed the same (as the act and deed of said firm).

SURETY COMPANY'S ACKNOWLEDGMENT

State of New York, County of Monroe

} ss.

On this 30th day of April , 1975 , before me personally appeared Thomas T. Hanford
to me known, who, being by me duly sworn, did depose and say: That he resides in the City of Rochester, N.Y.
that he is Attorney-in-Fact of THE AETNA CASUALTY AND SURETY COMPANY, the corporation described in and which executed the within instrument; that he knows the corporate seal of said Company; that the seal affixed to said instrument is such corporate seal; that it was so affixed by him and that he signed said instrument as Attorney-in-Fact by authority of the Board of Directors of said Company; and affiant did further depose and say that the Superintendent of Insurance of the State of New York has, pursuant to Chapter 842 of the Laws of the State of New York for the year 1939, constituting Chapter 28 of the Consolidated Laws of the State of New York known as the Insurance Law as amended, issued to THE AETNA CASUALTY AND SURETY COMPANY his certificate that said Company is qualified to become and he accepted as surety or guarantor on all bonds, undertakings, recognizances, guaranties, and other obligations required or permitted by law; and that such certificate has not been revoked.

Eleanor M. Schwind
ELEANOR M. SCHWIND Notary Public

NOTARY PUBLIC, State of N. Y., Monroe County

My Commission Expires March 30, 1976

PRINTED IN U.S.A.

(Use alone, or with S-1921 (M),
S-1922 (M), or S-1923 (M))
(S-1879 E) (M) 4-73

THE AETNA CASUALTY AND SURETY COMPANY

HARTFORD, CONNECTICUT 06115

FINANCIAL STATEMENT AS OF DECEMBER 31, 1974

AS FILED WITH THE INSURANCE DEPT. OF THE STATE OF NEW YORK

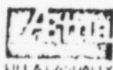
CAPITAL STOCK \$ 25,000,000

| ASSETS | | LIABILITIES | |
|-----------------------|------------------|--|------------------|
| Cash | \$ 16,348,420 | Unearned premiums | \$ 458,500,497 |
| Bonds | 1,065,512,396 | Losses | 873,821,591 |
| Stocks | 363,834,391 | Loss adjustment expenses | 136,124,071 |
| Mortgage Loans | 1,300,000 | Accrued expenses and other liabilities | 126,421,713 |
| Real Estate | 4,117,691 | Federal income taxes | 1,149,186- |
| Investment income due | | Reserve for reinsurance in companies | |
| and accrued | 21,813,842 | not authorized in New York | 12,093,919 |
| Premium balances | 172,925,386 | Total Liabilities | \$ 1,605,812,605 |
| Other assets | 145,259,094 | | |
| | | Investment contingency | |
| | | reserve and other | |
| | | special surplus funds \$ | 5,999,485 |
| | | Capital Stock | 25,000,000 |
| | | Paid in surplus | 73,020,050 |
| | | Other surplus | 81,279,000 |
| | | Surplus to policyholders | 189,298,615 |
| Total Assets | \$ 1,791,111,220 | Total | \$ 1,791,111,220 |

Securities carried at \$ 59,920,216

in above statement are deposited with public authorities, as required by law.

Order to Show Cause and Temporary Restraining Order,
issued 4-30-75 with Supporting Papers.



THE AETNA CASUALTY AND SURETY COMPANY
Hartford, Connecticut 06115

POWER OF ATTORNEY AND CERTIFICATE OF AUTHORITY OF ATTORNEY(S) IN FACT

KNOW ALL MEN BY THESE PRESENTS, THAT THE AETNA CASUALTY AND SURETY COMPANY, a corporation duly organized under the laws of the State of Connecticut, and having its principal office in the City of Hartford, County of Hartford, State of Connecticut, hath made, constituted and appointed, and does by these presents make, constitute and appoint: **James T. Henderson or Thomas T. Hanford** -

of **Rochester, New York** its true and lawful Attorney-in-fact, with full power and authority hereby conferred to sign, execute and acknowledge at any place within the United States, or if the following line be filled in, within the state therein designated, the following instrument(s):

by his sole signature and seal, any and all bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance or conditional undertaking, and any and all consents, except thereto.

and to bind THE AETNA CASUALTY AND SURETY COMPANY, thereby as fully and to the same extent as if the same were signed by the duly authorized officers of THE AETNA CASUALTY AND SURETY COMPANY, and all the acts of said Attorneys-in-fact, pursuant to the authority herein given, be fully satisfied and conform to.

This appointment is made under and by authority of the following Standing Resolutions of said Company, which Resolutions are now in full force and effect:

VOTED: That each of the following officers: Chairman, Vice Chairman, President, Any Executive Vice President, Any Senior Vice President, Any Vice President, Any Assistant Vice President, Any Secretary, Any Assistant Secretary, may from time to time appoint Resident Vice Presidents, Resident Assistant Secretaries, Attorneys-in-fact, and Agents to act for and on behalf of the Company and may give any such appointed such authority as his certificate of authority may provide to sign with the Company's name and seal or with the Company's seal alone, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors may at any time remove any such appointed and revoke the power and authority given him.

VOTED: That any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when furnished by the Chairman, the Vice Chairman, the President, an Executive Vice President, a Senior Vice President, a Vice President, an Assistant Vice President or by a Resident Vice President, pursuant to the power prescribed in the certificate of authority of such Resident Vice President, and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary or by a Resident Assistant Secretary, pursuant to the power prescribed in the certificate of authority of such Resident Assistant Secretary, or (if duly executed under seal, if required by one or more Attorneys-in-fact pursuant to the power prescribed in his or their certificate or certificates of authority).

This Power of Attorney and Certificate of Authority is signed and sealed by facsimile under and by authority of the following Standing Resolution voted by the Board of Directors of THE AETNA CASUALTY AND SURETY COMPANY, which Resolution is now in full force and effect:

VOTED: That the signature of each of the following officers: Chairman, Vice Chairman, President, Any Executive Vice President, Any Senior Vice President, Any Vice President, Any Assistant Vice President, Any Secretary, Any Assistant Secretary and the seal of the Company may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such power of attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking in which it is attached.

IN WITNESS WHEREOF, THE AETNA CASUALTY AND SURETY COMPANY has caused this instrument to be signed by its
Secretary, and its corporate seal to be hereto affixed this **11th** day of **March**, 19 **75**



THE AETNA CASUALTY AND SURETY COMPANY

By **B. I. Radding**
B. I. Radding, Secretary

State of Connecticut } ss. Hartford
County of Hartford

On this **11th** day of **March**, 19 **75**, before me personally came **B. I. RADDING**, Secretary of THE AETNA CASUALTY AND SURETY COMPANY, the corporation described as and which executed the above instrument, that he knows the seal of said corporation, that the seal affixed to the said instrument is such corporate seal, and that he executed the said instrument on behalf of the corporation by authority of his office under the Standing Resolutions thereof.



Mary J. Kingston
My commission expires March 11, 1980
Mary J. Kingston, Notary Public

CERTIFICATE
Assistant Secretary

I, the undersigned, of THE AETNA CASUALTY AND SURETY COMPANY, a stock corporation of the State of Connecticut, DO HEREBY CERTIFY that the foregoing and attached Power of Attorney and Certificate of Authority remains in full force and has not been revoked, and furthermore, that the Standing Resolutions of the Board of Directors, as set forth in the Certificate of Authority, are now in force.

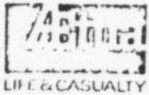
Signed and sealed at the Home Office of the Company, in the City of Hartford, State of Connecticut, this **30th** day of **April**, 19 **75**



By **A. J. Gelling**
Assistant Secretary,
A. J. Gelling

A75

Order to Show Cause and Temporary Restraining Order,
issued 4-30-75 with Supporting Papers.



UNDERTAKING
ON INJUNCTION

TEMPORARY RESTRAINING ORDER

THE AETNA CASUALTY AND SURETY COMPANY
Hartford, Connecticut 06115

45S21835BCA

Joseph A. SanFilipo, as President of
Local #72, United Brotherhood of
Carpenters & Joiners of America and
Robert S. Murphy, as Secretary, and
Local #72

CIVIL PRACTICE LAW & RULES R 6312(b)

Plaintiff

U. S. DISTRICT COURT
WESTERN DISTRICT OF
NEW YORK

United Brotherhood of Carpenters and
Joiners of America

Defendant

JUSTICES OF U. S. DISTRICT COURT,

THE ABOVE NAMED PLAINTIFF having applied to one of the JUSTICES OF U. S. DISTRICT COURT,
of this Court for ~~an order~~ in the above entitled action, restraining and enjoining the Defendant.
Temporary Restraining Order

NOW, THEREFORE, pursuant to the Statute in such case made and provided, THE AETNA CASUALTY AND SURETY
COMPANY, of Hartford, Connecticut, having an office and usual place of business at 1000 Sibley Tower,
Rochester, N.Y. undertakes in the sum of One Thousand & 00/100 (\$1,000.00) Dollars,
that the plaintiff will pay to the defendant if so enjoined, such
damages, not exceeding the before mentioned sum, as he may sustain by reason of the injunction, if the Court
finally decides that the plaintiff was not entitled thereto, such damages to be ascertained and determined
by the Court, or by a Referee appointed by the Court, or by a writ of inquiry or otherwise as the Court shall direct.

Dated April 30, 1975

THE AETNA CASUALTY AND SURETY COMPANY

By Thomas T. Hanford
THOMAS T. HANFORD Attorney in Fact

Order to Show Cause and Temporary Restraining Order,
issued 4-30-75 with Supporting Papers.

STATE OF NEW YORK
COUNTY OF Monroe

On this 30th day of April, 1975, before me personally came

Thomas T. Hanford

to me known, who, being by me duly sworn, did depose and say: That he resides in the City of Rochester, N.Y.,

that he is Attorney in Fact of THE AETNA CASUALTY AND SURETY COMPANY, the corporation described in and which executed the within instrument, that he knows the corporate seal of said Company, that the seal affixed to said instrument is such corporate seal, that it was so affixed by him and that he signed said instrument as Attorney in Fact by authority of the Board of Directors of said Company and by authority of his office under the By Laws of said Company, and affirm did further depose and say that the Superintendent of Insurance of the State of New York has, pursuant to Chapter 887 of the Laws of the State of New York for the year 1974, constituting Chapter 26 of the Consolidated Laws of the State of New York, known as the Insurance Law as amended, issued to THE AETNA CASUALTY AND SURETY COMPANY his certificate that said Company is qualified to become and be accepted as surety or guarantor on all bonds, undertakings, recognizances, guarantees, and other obligations required or permitted by law, and that such certificate has not been revoked.

Elliot M. Schwind
ELLIOT M. SCHWIND

NOTARY PUBLIC, State of N.Y., Monroe County

Notary Public

My Commission Expires March 30, 1976

The within instrument has been executed by the above named officer by authority of the Board of Directors and of the following provisions of the By Laws of the aforesaid THE AETNA CASUALTY AND SURETY COMPANY, which provisions are now in full force and effect and are the only applicable provisions of said By Laws.

ARTICLE IV

Section 8. The President, any Vice President, or any Secretary may from time to time appoint Resident Vice Presidents, Resident Assistant Secretaries, Attorneys in Fact, and Agents to act for and on behalf of the Company and may give any such appointee such authority as his certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking and any of said officers or the Board of Directors may at any time remove any such appointee and revoke the power and authority given him.

Section 10. Any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President or a Vice President or by a Resident Vice President, pursuant to the power prescribed in the certificate of authority of such Resident Vice President, and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary or by a Resident Assistant Secretary, pursuant to the power prescribed in the certificate of authority of such Resident Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys in Fact pursuant to the power prescribed in his or their certificate or certificates of authority.

STATE OF NEW YORK
COUNTY OF Monroe

I, Thomas T. Hanford

Attorney in Fact of THE AETNA CASUALTY AND SURETY COMPANY, of Hartford, Connecticut, hereby certify that the foregoing transcript of the provisions of the By Laws of said Company has been compared with the original provisions as recorded in the Minute Book of said Company, and that the same is a true and correct transcript therefrom, and of the whole of said original provisions.

Given under my hand and the seal of the Company, at the city of
this 30th day of April, 1975

Rochester, New York

Thomas T. Hanford
(Attorney in Fact)

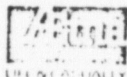
UNDERTAKING ON INJUNCTION

I approve of the within bond as to its form and sufficiency of the Surety.

Dated: 19

THE AETNA CASUALTY AND SURETY COMPANY
Hartford, Connecticut 06115

Order to Show Cause and Temporary Restraining Order.
issued 4-30-75 with Supporting Papers.



THE AETNA CASUALTY AND SURETY COMPANY
Hartford, Connecticut 06115

ATTORNEY-IN-FACT JUSTIFICATION

PRINCIPAL'S ACKNOWLEDGMENT - IF A CORPORATION

State of New York, County of _____

On this _____ day of _____, 19____,

before me personally appeared _____

to me known, who, being by me duly sworn, deposes and says: That he resides in the City of _____

that he is the _____ of _____ the corporation described in and which executed the within instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation; and that he signed his name thereto by like order.

PRINCIPAL'S ACKNOWLEDGMENT - IF INDIVIDUAL OR FIRM

State of New York, County of _____

On this _____ day of _____, 19____,

before me personally appeared _____

to me known to be (the individual) (one of the firm of _____)

described in and who executed the within instrument, and he thereupon duly acknowledged to me that he executed the same (as the act and deed of said firm).

SURETY COMPANY'S ACKNOWLEDGMENT

State of New York, County of Monroe

On this 30th day of April, 1975,

before me personally appeared _____

Thomas T. Hanford
Rochester, N.Y.

to me known, who, being by me duly sworn, did depose and say: That he resides in the City of _____ that he is Attorney-in-fact of THE AETNA CASUALTY AND SURETY COMPANY, the corporation described in and which executed the within instrument; that he knows the corporate seal of said Company; that the seal affixed to said instrument is such corporate seal; that it was so affixed by him and that he signed said instrument as Attorney-in-fact by authority of the Board of Directors of said Company; and affiant did further depose and say that the Superintendent of Insurance of the State of New York has, pursuant to Chapter 882 of the Laws of the State of New York for the year 1939, constituting Chapter 28 of the Consolidated Laws of the State of New York known as the Insurance Law as amended, issued to THE AETNA CASUALTY AND SURETY COMPANY his certificate that said Company is qualified to become and be accepted as surety or guarantor on all bonds, undertakings, recognizances, guaranties, and other obligations required or permitted by law; and that such certificate has not been revoked.

Eleanor M. Schwind
ELEANOR M. SCHWIND, Notary Public

NOTARY PUBLIC, State of N. Y. Monroe County

My Commission Expires March 30, 1976

PRINTED IN U.S.A.

THE AETNA CASUALTY AND SURETY COMPANY

HARTFORD, CONNECTICUT 06115

FINANCIAL STATEMENT AS OF DECEMBER 31, 1974

FILED WITH THE INSURANCE DEPT. OF THE STATE OF NEW YORK

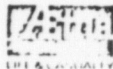
CAPITAL STOCK \$ 25,000,000

| ASSETS | | LIABILITIES | |
|-----------------------------------|------------------|---|------------------|
| Cash | \$ 16,348,420 | Unearned premiums | \$ 458,500,497 |
| Bonds | 1,065,512,396 | Losses | 873,821,591 |
| Stocks | 363,834,391 | Loss adjustment expenses | 136,124,071 |
| Mortgage Loans | 1,300,000 | Accrued expenses and other liabilities | 126,421,713 |
| Real Estate | 4,117,691 | Federal income taxes | 1,149,186 |
| Investment income due and accrued | 21,813,842 | Reserve for reinsurance in companies not authorized in New York | 12,093,919 |
| Premium balances | 172,925,386 | Total Liabilities | \$ 1,605,812,605 |
| Other assets | 145,259,094 | | |
| | | Investment contingency reserve and other | |
| | | Special surplus funds \$ | 5,999,485 |
| | | Capital Stock | 25,000,000 |
| | | Paid in surplus | 73,020,050 |
| | | Other surplus | 81,279,000 |
| | | Surplus to policyholders | 185,298,615 |
| Total Assets | \$ 1,791,111,220 | Total | \$ 1,791,111,220 |

Securities carried at \$ 59,920,216

in above statement are deposited with public authorities, as required by law.

Order to Show Cause and Temporary Restraining Order,
issued 4-30-75 with Supporting Papers.



THE AETNA CASUALTY AND SURETY COMPANY
Hartford, Connecticut 06115

POWER OF ATTORNEY AND CERTIFICATE OF AUTHORITY OF ATTORNEY(S) IN FACT

KNOW ALL MEN BY THESE PRESENTS, THAT THE AETNA CASUALTY AND SURETY COMPANY, a corporation duly organized under the laws of the State of Connecticut and having its principal office in the City of Hartford, County of Hartford, State of Connecticut, hath made, constituted and appointed and does by these presents make, constitute and appoint James T. Henderson or Thomas T. Hanford - -

of Rochester, New York, its true and lawful Attorney-in-Fact, with full power and authority hereby conferred to sign, execute and acknowledge at any place within the United States, or at the following, here be filled in, within the scope thereof, the following instrument:

by his signature and seal and any and all bonds, recognizances, oaths or oaths of fidelity, and other writings obligatory in the nature of a bond, recognizance or conditional undertaking, and any and all documents related thereto.

and to bind THE AETNA CASUALTY AND SURETY COMPANY, hereby as fully and to the same extent as if the same were signed by the duly authorized officers of THE AETNA CASUALTY AND SURETY COMPANY, and all the acts of said Attorneys in Fact, pursuant to the authority herein given, are hereby certified and confirmed.

This appointment is made under and by authority of the following Standing Resolutions of said Company, which Resolutions are now in full force and effect:

VOTED: That each of the following officers, Chairman, Vice Chairman, President, Any Executive Vice President, Any Senior Vice President, Any Vice President, Any Assistant Vice President, Any Secretary, Any Assistant Secretary, may from time to time, without limit, without Vice Presidents, Resident Assistant Secretaries, Attorneys in Fact, and Agents, do and do and on behalf of the Company and may give any such appointment, such authority as his certificate of authority may provide in sign with the Company's seal and stamp, with the Company's seal, bonds, recognizances, oaths or oaths of fidelity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors may at any time remove any such appointment and revoke the power and authority given him.

VOTED: That any bond, recognizance, oaths or oaths of fidelity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when signed by the Chairman, the Vice Chairman, the President, an Executive Vice President, a Senior Vice President, a Vice President, an Assistant Vice President, or by a Resident Vice President, pursuant to the power prescribed in the certificate of authority of such Resident Vice President, and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary or by a Resident Assistant Secretary, pursuant to the power prescribed in the certificate of authority of such Resident Assistant Secretary, or by duly executed under seal, if required by one or more Attorneys in Fact pursuant to the power prescribed in his or their certificate or certificates of authority.

This Power of Attorney and Certificate of Authority is signed and sealed by facsimile under and by authority of the following Standing Resolution voted by the Board of Directors of THE AETNA CASUALTY AND SURETY COMPANY, which Resolution is now in full force and effect:

VOTED: That the signature of each of the following officers, Chairman, Vice Chairman, President, Any Executive Vice President, Any Senior Vice President, Any Vice President, Any Assistant Vice President, Any Secretary, Any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any power of attorney or to any certificate relating thereto, appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys in Fact, for purposes only of executing any bond, recognizance, oaths or oaths of fidelity, or writing obligatory in the nature thereof, and any such power of attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.

IN WITNESS WHEREOF, THE AETNA CASUALTY AND SURETY COMPANY has caused this instrument to be signed by its
Secretary, and its corporate seal to be hereunto affixed this 11th day of March 1975



THE AETNA CASUALTY AND SURETY COMPANY

By B. I. Radding
B. I. Radding, Secretary

State of Connecticut } ss. Hartford
County of Hartford

On this 11th day of March 1975 before me personally came B. I. RADDING, Secretary of the Aetna Casualty and Surety Company, the corporation described as and which executed the aforesaid instrument, that he knows the seal of said corporation, that the seal affixed to the said instrument is such corporate seal, and that he executed the said instrument on behalf of the corporation by authority of his office under the Standing Resolutions thereof.



Mary J. Kingston
Notary Public
Mary J. Kingston

CERTIFICATE
of the undersigned Assistant Secretary

of THE AETNA CASUALTY AND SURETY COMPANY, a stock corporation of the State of Connecticut, (RECEIVED BY CERTIFY) that the foregoing and attached Power of Attorney and Certificate of Authority remains in full force and has not been revoked, and furthermore that the Standing Resolutions of the Board of Directors as set forth in the Certificate of Authority are now in force.

Signed and sealed at the Home Office of the Company, in the City of Hartford, State of Connecticut, Dated this 30th day of April 1975



A. J. Gelling
Assistant Secretary,
A. J. Gelling

AFFIDAVIT OF SERVICE (of Order to Show Cause,
issued 4-30-75), sworn to 5-2-75.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JOSEPH A. SAN FILIPPO, as President of Local
#72, United Brotherhood of Carpenters and
Joiners of America, ROBERT S. MURPHY, as
Secretary of Local #72, United Brotherhood
of Carpenters and Joiners of America, and
LOCAL #72, UNITED BROTHERHOOD OF CARPEN-
TERS AND JOINERS OF AMERICA,

Plaintiffs,

-v-

UNITED BROTHERHOOD OF CARPENTERS AND
JOINERS OF AMERICA,

Defendant.

AFFIDAVIT OF
SERVICE

STATE OF NEW YORK)
COUNTY OF MONROE)

SS:

Larry A. Stumpf, Esq., being duly sworn, deposes and
says:

1. I am an attorney associated with Goldstein,
Goldman, Kessler & Underberg, attorneys for plaintiffs herein.
2. On May 1, 1975 at 9:50 a.m., at 101 Constitution
Avenue, N.W., Washington, D.C., on the 5th floor thereof, pur-
suant to the terms of the order to show cause and temporary
restraining order with supporting papers issued on April 30,
1975, I served the within order to show cause and temporary
restraining order with supporting papers upon the defendant herein
by delivering a true copy of same to Mr. William McGowan, who
identified himself to me as an attorney and the attorney for the
defendant herein.

A80

Affidavit of Service (of Order to Show Cause,
issued 4-30-75), sworn to 5-2-75.

3. The individual to whom I delivered the said copy of the order to show cause and temporary restraining order with supporting papers and identified himself to me as Mr. William McGowan is described as follows: a male, approximately 40 to 50 years of age, approximately 175 pounds, wearing glasses.

Dated: May 2, 1975
Rochester, New York

Larry A. Stumpf
Larry A. Stumpf

Sworn to before me this
2nd day of May, 1975.

Alma G. Willis
Notary Public
ALMA G. WILLIS, Notary Public
State of New York, County of Monroe
My Commission Expires March 30, 1977

**AMENDED VERIFIED COMPLAINT with
Exhibits attached.**

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JOSEPH A. SAN FILIPPO, as President of
Local #72, United Brotherhood of Carpenters
and Joiners of America, and ROBERT S.
MURPHY, as Recording Secretary of Local #72,
United Brotherhood of Carpenters and Joiners
of America, and LOCAL #72, UNITED BROTHERHOOD
OF CARPENTERS AND JOINERS OF AMERICA,

Plaintiffs,

-v-

UNITED BROTHERHOOD OF CARPENTERS AND
JOINERS OF AMERICA,

Defendant.

AMENDED
VERIFIED
COMPLAINT

Plaintiffs, Joseph A. San Filippo ("San Filippo") and
Robert S. Murphy ("Murphy"), and Local #72, United Brotherhood of
Carpenters and Joiners of America ("Local Union #72"), by their
attorneys, Goldstein, Goldman, Kessler and Underberg, for their
complaint herein, respectfully allege:

JURISDICTION AND VENUE

1. Jurisdiction of this Court is based upon Sections 102
and 304(a) of the Labor-Management Reporting and Disclosure Act of
1959, as amended, (29 U.S.C. §412 and §464), Section 301 of the
Labor Management Relations Act of 1947, as amended, (29 U.S.C.
§185(a)), 28 U.S.C. §1331(a), and the principles of pendant
jurisdiction.

2. The claims alleged herein arise under the Labor
Management Relations Act of 1947, the Labor-Management Reporting

Amended Verified Complaint with Exhibits attached.

and Disclosure Act of 1959, the Constitution of the United States of America, state law and common law principles.

3. The acts, omissions and transactions herein complained of occurred in substantial part within the Western District of New York. The matter in controversy exceeds the sum of \$10,000, exclusive of interest and costs.

THE PARTIES

4. Plaintiff San Filippo is, and was at all times hereinafter mentioned, the duly elected President of Local Union #72, an affiliate of the United Brotherhood of Carpenters and Joiners of America ("United Brotherhood"), and a delegate to the Carpenters' District Council of Rochester, New York and Vicinity, United Brotherhood of Carpenters and Joiners of America ("District Council").

5. Plaintiff Murphy is, and was at all times hereinafter mentioned, the duly elected Recording Secretary of Local Union #72, and a delegate to the District Council.

6. Plaintiff Local Union #72 is a labor organization affiliated with United Brotherhood and having its principal place of business in Rochester, New York.

7. Defendant United Brotherhood is an international labor organization comprised of the local unions of the United Brotherhood, having its principal place of business in Washington, D. C.

FACTUAL BACKGROUND

8. The District Council is presently an affiliation of

Amended Verified Complaint with Exhibits attached.

the nine (9) local unions of the United Brotherhood located in the Rochester, New York vicinity: carpenters' Local Union #72 (Rochester, approximately 1,008 members), carpenters' Local Union #240 (Fairport, approximately 70 members), carpenters' Local Union #502 (Canandaigua, approximately 170 members), carpenters' Local Union #662 (Perry and Mt. Morris, approximately 240 members), carpenters' Local Union #1508 (Lvons, approximately 85 members), industrial Local Union #2407 (soft floor workers, approximately 80 members), industrial Local Union #231 (mill and cabinet workers, approximately 190 members), industrial Local Union #687 (miscellaneous industrial workers, approximately 40 members) and industrial Local Union #2255 (Stirling Homex, approximately 40 members).

9. The assets of Local Union #72 presently consist of approximately \$100,000 in General Funds (raised solely from dues of members of Local Union #72) and \$35,000 in Contingent Funds (raised solely by voluntary assessment of members of Local Union #72 approved by majority vote of the members of Local Union #72). Upon information and belief, the total funds of Local Unions #240, #502, #662 and #1508 do not exceed \$20,000.

10. The District Council presently employs one (1) business manager and two (2) business representatives. Each business representative functions throughout the geographic area served by the District Council.

11. Pursuant to the By-Laws and Trade Rules of the District Council, Section 32, a copy of which is attached hereto

Amended Verified Complaint with Exhibits attached.

as Exhibit A, each local union is entitled to delegate representatives to the District Council in direct proportion to the number of members of each local union.

12. Pursuant to the Constitution and Laws of the United Brotherhood, Section 31-A, a copy of which is attached hereto as Exhibit B, each local union has an Executive Committee, comprised of ten (10) officers and trustees of the local union.

13. On March 25, 1975, a meeting of the Executive Committees of the nine local unions comprising the District Council was held in Rochester, New York, at the request of, and presided over by, Mr. John S. Rogers ("Mr. Rogers"), a member of the Executive Board of the United Brotherhood.

14. At that meeting, the only vote purportedly taken was on the question of whether Local Union #72 should have its own business representative, serving only Monroe County. The ten members of the Executive Committee of Local Union #72, representing approximately 1,008 members, voted affirmatively; the forty members of the Executive Committees of Local Unions #240, #502, #662 and #1508, representing approximately 560 members, voted negatively; Mr. Rogers declined to recognize or tally the votes of the Executive Committees of Industrial Local Unions #2407, #231, #687 and #2255. On the basis of the voting set forth above, the question was deemed by Mr. Rogers to have been defeated.

15. By written directive of the General President of the United Brotherhood, dated April 10, 1975, the following steps were directed to be taken, effective May 1, 1975: (1) The District

Amended Verified Complaint with Exhibits attached.

Council is dissolved; (2) carpenters' Local Unions #72, #240, #502, #662 and #1508 are consolidated into one new carpenters' local union; (3) industrial local unions #2407, #231, #687 and #2255 are consolidated into one new industrial local union; (4) a "pro tem" Executive Committee is established, effective immediately; (5) a General Representative of the United Brotherhood is assigned "to guide the newly formulated local unions and officers for a reasonable period to insure that the policies and objectives of the United Brotherhood and newly formed local unions are implemented"; (6) the business representative and the business manager of the District Council are assigned as business representatives of the new carpenters' local union under the direction of the General Representative of the United Brotherhood; (7) miscellaneous other changes are directed. A copy of the directive dated April 10, 1975 is annexed as Exhibit C.

16. The United Brotherhood has never ascertained whether the membership of Local Union #72, or upon information and belief the members of any other local union, were in favor of consolidation into a new local union and to thereby lose their autonomy, or held any hearings before imposing supervision and control over Local Union #72.

17. Local Union #72 promptly appealed to the United Brotherhood from the directive dated April 10, 1975. To date, Local Union #72 has received no response to that appeal.

Amended Verified Complaint with Exhibits attached.

**FOR A FIRST CAUSE OF ACTION,
PLAINTIFFS ALLEGE:**

18. Plaintiffs repeat and reallege each and every allegation contained in paragraphs "1" through "17" hereof.

19. The Constitution and Laws of the Union Brotherhood constitutes a contract between the United Brotherhood and its affiliated Local Unions.

20. The directive of the General President of the United Brotherhood dated April 10, 1975, purportedly made pursuant to Section 6-A of the Constitution and Laws of the United Brotherhood, a copy of which is attached hereto as Exhibit D, is violative of that contract in that the effective date of the directive is prior to the determination of the appeal from the directive, and in that the vested rights of the members of Local Union #72 are not preserved by said directive as provided for by Section 6-A of said Constitution and Laws.

**FOR A SECOND CAUSE OF ACTION,
PLAINTIFFS ALLEGE:**

21. Plaintiffs repeat and reallege each and every allegation contained in paragraphs "1" through "17" hereof.

22. The directive dated April 10, 1975 constitutes the imposition by the United Brotherhood of a trusteeship over Local Union #72.

23. The imposition of the trusteeship over Local Union #72 is contrary to Sections 6-D and 10-H of the Constitution and Laws of the United Brotherhood, copies of which are attached hereto as Exhibits E and F, and is contrary to law in that: (a) it was

Amended Verified Complaint with Exhibits attached.

imposed for a reason or reasons other than the reasons set forth in Sections 6-D and H-10 of the Constitution and Laws of the United Brotherhood and in Section 302 of the Labor-Management Reporting and Disclosure Act of 1959; (b) the trusteeship was imposed without a fair hearing; (c) the imposition of the trusteeship results in the transfer of assets of Local Union #72 to the United Brotherhood, contrary to Section 303 of the Labor-Management Reporting and Disclosure Act of 1959; (d) the imposition of the trusteeship is otherwise contrary to law.

FOR A THIRD CAUSE OF ACTION,
PLAINTIFFS ALLEGE:

24. Plaintiffs repeat and reallege each and every allegation contained in paragraphs "1" through "17" hereof.

25. The directive dated April 10, 1975 is contrary to Section 501(a) of the Labor-Management Reporting and Disclosure Act of 1959 in that it compels the use of the funds and property of Local Union #72 for purposes other than for the benefit of members of Local Union #72.

FOR A FOURTH CAUSE OF ACTION,
PLAINTIFFS ALLEGE:

26. Plaintiffs repeat and reallege each and every allegation contained in paragraphs "1" through "17" hereof.

27. The directive dated April 10, 1975 is contrary to Section 101(a)(1) of the Labor-Management Reporting and Disclosure Act of 1959 in that it was directed without the opportunity for the members of the Local Unions to vote thereon.

Amended Verified Complaint with Exhibits attached.

FOR A FIFTH CAUSE OF ACTION,
PLAINTIFFS ALLEGE:

28. Plaintiffs repeat and reallege each and every allegation contained in paragraphs "1" through "17" hereof.

29. The directive dated April 10, 1975 is contrary to Sections 101(a)(5) and 609 of the Labor-Management Reporting and Disclosure Act of 1959 in that it directs the improper discipline of plaintiffs without due process of law.

FOR A SIXTH CAUSE OF ACTION,
PLAINTIFFS ALLEGE:

30. Plaintiffs repeat and reallege each and every allegation contained in paragraphs "1" through "17" hereof.

31. The directive dated April 10, 1975 is violative of the Fifth and Fourteenth Amendments to the Constitution of the United States of America in that it deprives Local Union #72, and its members, of its and their property without due process of law.

WHEREFORE, plaintiffs demand judgment as follows:

(a) That pending a hearing upon the merits, a preliminary injunction issue, enjoining the defendant, its agents, servants, employees, and attorneys and all persons in active concert and participation with it, pending the final hearing and determination of this action, from dissolving the District Council; from consolidating Local Unions #72, #240, #502, #662 and #1508 into one new Local Union; from otherwise reorganizing, dissolving, supervising, controlling, suspending the autonomy of and/or

Amended Verified Complaint with Exhibits attached.

imposing a trusteeship upon Local Union #72 and from otherwise effectuating the actions set forth in the directive dated April 10, 1975;

(b) That pending hearing upon the preliminary injunction, and prior to notice to the defendant, a temporary restraining order issue, restraining defendant from dissolving the District Council; from consolidating Local Unions #72, #240, #502, #662, and #1508 into a new Local Union; from otherwise reorganizing, dissolving, supervising, controlling, suspending the autonomy of and/or imposing a trusteeship upon Local Union #72, and from otherwise effectuating the actions set forth in the directive dated April 10, 1975.

(c) For an order directing the defendant to cancel, annul and render of no force and effect the directive dated April 10, 1975;

(d) For costs and counsel fees of the plaintiffs; and

(e) For such other and further relief as to this Court shall appear just and equitable.

Dated: Rochester, New York
May 8, 1975

GOLDSTEIN, GOLDMAN, KESSLER & UNDERBERG

By:

Thomas G. Dignan, a Member of the Firm
Attorneys for Plaintiffs
Office and Post Office Address:
1800 Lincoln First Tower
Rochester, New York 14604
Telephone: (716) 325-1930

Amended Verified Complaint with Exhibits attached.

VERIFICATION

STATE OF NEW YORK)
COUNTY OF MONROE)SS:

JOSEPH A. SAN FILIPPO, being duly sworn, deposes and says that deponent is a plaintiff in the within action, and President of plaintiff Local Union #72; that deponent has read foregoing amended complaint and knows the contents thereof the same is true to deponent's own knowledge, except as to matters therein stated to be alleged on information and belief and that as to those matters deponent believes it to be true.

Joseph A. San Filippo

Sworn to before me, this
day of May, 1975.

Notary Public

Amended Verified Complaint with Exhibits attached.

when necessary.

Section 32. Each Local Union shall be entitled to delegates to the District Council as per the following schedule:

| MEMBERS | DELEGATES |
|--------------------|-----------|
| 10 to 150 ----- | 2 |
| 151 to 250 ----- | 3 |
| 251 to 400 ----- | 4 |
| 401 to 550 ----- | 6 |
| 551 to 700 ----- | 7 |
| 701 to 850 ----- | 8 |
| 851 to 1000 ----- | 9 |
| 1001 to 1150 ----- | 10 |

Amended Verified Complaint with Exhibits attached.

NOMINATION AND ELECTION IN
SUBORDINATE BODIES

A Section 31. The officers of a Local Union shall be a President, Vice-President, Recording Secretary, Financial Secretary, Treasurer, Conductor, Warden and three Trustees. The officers shall constitute the Executive Committee of the Local Union. A Business Representative who is not a member of the Executive Committee shall attend the meetings of the Executive Committee with voice but without vote. No member shall be eligible to be an officer or business representative, delegate or committeeman unless such member is a citizen of the United States or Canada, and the member, to be eligible to serve in any such capacity, must be a citizen of the country in which the Local Union is located. No member may hold more than one office or be a candidate for more than one office in a regular election, in the same subordinate body, unless dispensation to combine two or more offices is or has been granted by the General President. In elections held to fill vacancies a member who holds an office must resign said office before accepting nomination as a candidate for another office in the same subordinate body (unless the offices are combined by dispensation) and all existing vacancies, including those left by such resignations, shall be filled by the same nominations and election.

B The regular terms of officers, Business Representatives and Assistant Business Representatives shall be not less than two

Amended Verified Complaint with Exhibits attached.

WILLIAM SIDELL
GENERAL PRESIDENT



UNITED BROTHERHOOD OF CARPENTERS
AND JOINERS OF AMERICA
101 CONSTITUTION AVE., N.W.
WASHINGTON, D. C. 20001

April 10, 1975

Mr. Joseph J. Catalfano, Secretary
Rochester & Vicinity District Council
58 North Fitzhugh Street
Rochester, New York 14614

Dear Sir and Brother:

As you are aware, there have been numerous problems in the Rochester and Vicinity District Council area over the years and General Office records reveal that, on certain occasions, it has become necessary to supervise the District Council activities. The files of the General Office and the First District Office are replete with correspondence from officers, representatives and individual members illustrating their concern over the situation in the area.

General Representative William Lawyer was assigned to make a complete and detailed investigation of the conditions within the District Council area.

The purpose of the investigation was to get firsthand knowledge of the situation and to further give each group an opportunity to recommend what they consider to be an appropriate solution. I have reviewed the files and reports on this matter and find the problems and dissension which existed over the years are continuing today.

Therefore, I assigned General Executive Board Member John S. Rogers to meet with the District Council delegates and the Executive Committees of affiliated Local Unions. At that meeting each individual was given an opportunity to address the chair and set forth their recommendations as to what would, in their judgment, be the solution.

It was apparent that the problems of the past and present stem from the basic structure of the District Council, and, therefore, pursuant to Section 6 A of the Constitution and Laws of the United Brotherhood, I have determined and direct:

That the Rochester & Vicinity District Council be dissolved.

That Local Unions 240, 502, 72, 662 and 1503 be consolidated under a new charter to be issued to include the construction

Amended Verified Complaint with Exhibits attached.

Mr. Joseph J. Catalfano, Secretary
Page two

April 10, 1975

membership of these local unions. Further, Local Unions 2407, 231, 687 and 2255 shall be consolidated and a new charter issued.

The "outside" carpenters presently members of Local 231 shall be transferred to the newly chartered carpenter local which would be comprised of the membership of Local Unions 240, 502, 72, 662 and 1508.

Local Union 2407 (soft floor), Local Union 231 (mill and cabinet) and Local Unions 687 and 2255 (industrial) have sufficient members to employ a fulltime representative to service the membership and organize.

The consolidations shall be effective May 1, 1975, and in the interim each of the Local Unions shall, in accordance with their membership, have pro rata representation on a pro tem Executive Committee which shall function for a period of approximately two months, after which a duly called election pursuant to the Constitution and Laws, with appropriate dispensation, shall be conducted, electing officers and business representatives initially for a two-year term and thereafter for a term of three years.

In the interim the present three fulltime officials currently employed by the District Council shall be assigned as business representatives to the newly chartered carpenter Local Union and serve under the direction of General Representative William Lawyer until the election is held.

The Local Union shall elect one business manager and two assistant business representatives. The current employment of an organizer should temporarily be discontinued until such time as the new Executive Committee and business representatives are elected, at which time the business manager should appoint such personnel.

The newly chartered carpenter Local Union shall have a general Business Representative-Financial Secretary, and sufficient clerical help shall be employed to work under his direction.

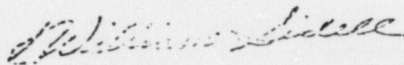
Amended Verified Complaint with Exhibits attached.

Mr. Joseph J. Catalfano, Secretary
Page three

April 10, 1975

General Representative Lawyer is assigned to guide the newly formulated Local Unions and officers for a reasonable period to insure that the policies and objectives of the United Brotherhood and newly formed Local Unions are implemented.

Fraternally yours,



GENERAL PRESIDENT

WS:md

cc: Local Unions 72, 231, 240, 502, 662, 687, 1163, 1508, 2255-S, 2407
John S. Rogers
William Lawyer

Amended Verified Complaint with Exhibits attached.

JURISDICTION

- A Section 6. The jurisdiction of the United Brotherhood of Carpenters and Joiners of America shall include all branches of the Carpenter and Joiner trade. In it shall be vested the power through the International Body to establish and charter Subordinate Local and Auxiliary Unions, District, State and Provincial Councils in all branches of the trade, and its mandates must be observed and obeyed at all times.

The United Brotherhood is empowered, upon agreement of the Local Unions and Councils directly affected, or in the discretion of the General President subject to appeal to the General Executive Board, where the General President finds that it is in the best interests of the United Brotherhood and its members, locally or at large, to establish or dissolve any Local Union or Council, to merge or consolidate Local Unions or Councils, to establish or alter the trade or geographical jurisdiction of any Local Union or Council, to form Councils and to permit, prohibit or require the affiliation with or disaffiliation from any Council by any Local Union, including the right to establish state-wide, province-wide and regional Local Unions or Councils having jurisdiction over specified branches or subdivisions of the trade. The vested rights of the members shall be preserved and where action as herein described is taken the General President and General Executive Board shall preserve the membership rights of the members of affected Local Unions, including their right to attend and participate in meetings, to vote, to nominate candidates and to be nominated and run for office or business representative. In connection with the foregoing the General President may, where he finds it appropriate, appoint a committee to hold hearings upon due notice to directly affected Local Unions or Councils, and make findings and recommendations.



Amended Verified Complaint with Exhibits attached.

- 6 - D The United Brotherhood of Carpenters and Joiners of America shall have the right to establish supervision over and to conduct the affairs of any subordinate body (including the removal of any or all officers of such subordinate body) to correct financial irregularities or to assure the performance of collective bargaining agreements and the responsibility of the subordinate body as a bargaining agent or to protect the interests and rights of the members or whenever the affairs of the subordinate body are conducted in such a manner as to be detrimental to the welfare of the members and to the best interests of the United Brotherhood, subject, however, to the provisions of Paragraph 11 of Section 10.

Amended Verified Complaint with Exhibits attached.

10. H Whenever it appears to the satisfaction of the General President that any Local Union or member thereof, or any District, State or Provincial Council is acting contrary to the welfare of the United Brotherhood of Carpenters and Joiners of America, or that supervision should be established over the conduct of the affairs of any subordinate body as set forth in Section 6-D, he may appoint a committee to hold a hearing, after due notice to such subordinate body or member. Upon completion of the hearing, the committee shall report its findings and recommendations to the General Executive Board and to the member or subordinate body involved. The General Executive Board is empowered to take such action as is necessary and proper for the welfare of the United Brotherhood of Carpenters and Joiners of America, subject, however, to the right of appeal to the next General Convention, to the extent permitted by Section 57G. If the General President determines that an emergency situation exists, he may appoint a representative to assume supervision over any Local Union or Council pending the holding of a hearing and the completion of the proceedings as provided for in this Section.

**UNITED STATES MARSHAL'S RETURN
OF SERVICE, dated 5-9-75.**

| | | | | | | | |
|---|--|--|--|-----|-------|---|---|
| U.S. MARSHAL'S SERVICE | | INSTRUCTIONS: See "INSTRUCTIONS FOR SERVICE OF PROCESS BY THE U.S. MARSHAL" on the reverse of the last (No. 5) copy of this form. Please type or print legibly, insuring readability of all copies. Do not detach any copies. | | | | | |
| INSTRUCTION AND PROCESS RECORD | | | | | | | |
| PLAINTIFF | Joseph A. San Filippo, et. al. | | COURT NUMBER 75-164 (U.D.N.Y.) | | | | |
| DEFENDANT | United Brotherhood of Carpenters & Joiners of America | | TYPE OF WRIT Summons, verified complaint, complaint | | | | |
| SERVE | NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN an officer of the United Brotherhood of Carpenters & Joiners of America | | | | | | |
|  | ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) 101 Constitution Avenue, N.W., Washington D.C. | | | | | | |
| AT | | | | | | | |
| SEND NOTICE OF SERVICE COPY TO NAME AND ADDRESS BELOW: | | Show number of this writ and total number of writs submitted i.e., 1 of 1, 1 of 3, etc.  <table border="1" style="display: inline-table; font-size: x-small;"> <tr> <td>NO.</td> <td>TOTAL</td> </tr> <tr> <td>1</td> <td>1</td> </tr> </table> | | NO. | TOTAL | 1 | 1 |
| NO. | TOTAL | | | | | | |
| 1 | 1 | | | | | | |
| Larry A. Stumpf, Esq. Goldstein Goldman Kessler & Underberg 1300 Lincoln First Tower Rochester, New York 14604 | | CHECK IF APPLICABLE: <input type="checkbox"/> One copy for U. S. Attorney or designee and two copies for Attorney General of the U. S. included. | | | | | |
| | | SHOW IN THE SPACE BELOW AND TO THE LEFT ANY SPECIAL INSTRUCTIONS OR OTHER INFORMATION PERTINENT TO SERVING THE WRIT DESCRIBED ABOVE. | | | | | |
| SPECIAL INSTRUCTIONS: | | | | | | | |

Service must be made before 4 p.m. Friday, May 9, 1975

| | | | | | |
|--|--|------------------|-------------------|--|---------|
| NAME AND SIGNATURE OF ATTORNEY OR OTHER ORIGINATOR | | TELEPHONE NUMBER | | DATE | |
| <i>Larry A. Stumpf</i> | | (716) 225-1930 | | May 7, 1975 | |
| SPACE BELOW FOR USE OF U.S. MARSHAL ONLY - DO NOT WRITE BELOW THIS LINE | | | | | |
| Show amount of deposit (or applicable code) and sign USM-285 for first writ only if more than one writ submitted. | DEPOSIT/CODE | DIST. OF ORIGIN | DISTRICT TO SERVE | LOCATION OF SUB-OFFICE OF DIST. TO SERVE | |
| I acknowledge receipt for the total number of writs indicated and for the deposit (if applicable) shown. | SIGNATURE OF AUTHORIZED USMS DEPUTY OR CLERK | | | DATE | |
| <input checked="" type="checkbox"/> I hereby certify and return that I have personally served, have legal evidence of service, or have executed as shown in REMARKS, the writ described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., at the address inserted below. | | | | | |
| <input type="checkbox"/> I hereby certify and return that, after diligent investigation, I am unable to locate the individual, company, corporation, etc., named above within this Judicial District. | | | | | |
| NAME AND TITLE OF INDIVIDUAL SERVED (If not shown above) | | | | <input type="checkbox"/> A person of suitable age and discretion then abiding in the defendant's usual place of abode. | |
| ADDRESS (Complete only if different than shown above) | | | | FEE (if applicable) | MILEAGE |
| | | | | \$ | \$ |
| DATE(S) OF ENDEAVOR (Use Remarks if necessary) | | DATE OF SERVICE | TIME | SIGNATURE OF U.S. MARSHAL OR DEPUTY | |
| | | 5/9/75 | 1:14 PM | <i>C. McPherson</i> | |
| REMARKS | | | | | |

DEFENDANT'S NOTICE OF MOTION, dated 5-9-75, to Dissolve Temporary Restraining Order and to Dismiss Complaint, together with Affidavit of William Lawyer, sworn to 5-12-75, in Opposition to Plaintiffs' Motion for a Preliminary Injunction and in Support of Defendant's Motion to Dissolve the Temporary Restraining Order and to Dismiss the Complaint.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JOSEPH A. SAN FILIPPO, as President of
Local #72, United Brotherhood of Carpen-
ters and Joiners of America, and ROBERT
S. MURPHY, as Secretary of Local #72,
United Brotherhood of Carpenters and
Joiners of America, and LOCAL #72,
UNITED BROTHERHOOD OF CARPENTERS AND
JOINERS OF AMERICA,

Plaintiffs

-vs-

UNITED BROTHERHOOD OF CARPENTERS
AND JOINERS OF AMERICA,

Defendant

S I R S ::

PLEASE TAKE NOTICE, that upon the return date of the application for a temporary injunction, defendants will cross-move this Court to dissolve the temporary restraining order; to dismiss the complaint for failure to state a cause of action; and to deny the application for a temporary injunction.

DATED: Buffalo, New York,
May 9th, 1975

Yours, etc.,

THOMAS P. McMAHON, ESQ.
Attorney for Defendant
Office and P.O. Address
1028 Liberty Bank Building
Buffalo, New York 14202
(716) 853-6300

TO:

UNITED STATES DISTRICT
COURT
U. S. Courthouse
Buffalo, New York 14202

GOLDSTEIN, GOLDMAN, KESSLER
AND UNDERBERG
Attorneys for Plaintiffs
1800 Lincoln First Tower
Rochester, New York 14604

CIV. NO. 75-164

N O T I C E

OF

M O T I O N

Defendant's Notice of Motion, dated 5-9-75, to Dissolve Temporary Restraining Order and to Dismiss Complaint, together with Affidavit of William Lawyer, sworn to 5-12-75, in Opposition to Plaintiffs' Motion for a Preliminary Injunction and in Support of Defendant's Motion to Dissolve the Temporary Restraining Order and to Dismiss the Complaint.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JOSEPH A. SAN FILIPPO, as President of
Local #72, United Brotherhood of Carpen-
ters and Joiners of America, and ROBERT
S. MURPHY, as Secretary of Local #72,
United Brotherhood of Carpenters and
Joiners of America, and LOCAL #72,
UNITED BROTHERHOOD OF CARPENTERS AND
JOINERS OF AMERICA,

CIV. NO. 75-164

MOTION

Plaintiffs

-vs-

UNITED BROTHERHOOD OF CARPENTERS
AND JOINERS OF AMERICA,

Defendant

UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA,
defendant above named, by its attorney, THOMAS P. McMAHON, ESQ.,
moves this Court to quash the service of summons herein; to dis-
solve the temporary restraining order; to dismiss the complaint;
and to deny the application for a temporary injunction on the
following grounds:

- 1) The Court lacks personal jurisdiction of the
defendant in that jurisdiction of a labor organization
may only be obtained by service on the president or secre-
tary-treasurer of said organization; and such service was
not obtained herein.
- 2) The Court lacks jurisdiction of the subject matter
of this action.
- 3) The complaint fails to state a cause of action
upon which relief can be granted.
- 4) Plaintiffs have failed to exhaust their remedies
within the Union.

Defendant's Notice of Motion, dated 9-75, to Dissolve Temporary Restraining Order and to Dismiss Complaint, together with Affidavit of William Lawyer, sworn to 5-12-75, in Opposition to Plaintiffs' Motion for a Preliminary Injunction and in Support of Defendant's Motion to Dissolve the Temporary Restraining Order and to Dismiss the Complaint.

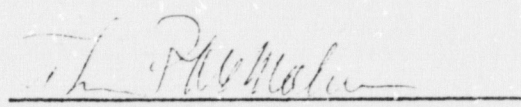
5) No immediate or irreparable harm will be caused to the plaintiffs by any action of the defendants.

6) It cannot be said with clear and specific certainty that the plaintiffs will prevail in this action.

W H E R E F O R E , defendant moves this Court for an Order in the alternative:

- 1) Quashing the service of summons herein;
- 2) Dissolving the temporary restraining order;
- 3) Dismissing the complaint; and
- 4) Denying the application for a temporary injunction.

DATED: Buffalo, New York,
May 9th, 1975.



THOMAS P. McMAHON
Attorney for Defendant
Office and P.O. Address
1028 Liberty Bank Building
Buffalo, New York 14202

Defendant's Notice of Motion, dated 5-9-75, to Dissolve Temporary Restraining Order and to Dismiss Complaint, together with Affidavit of William Lawyer, sworn to 5-12-75, in Opposition to Plaintiffs' Motion for a Preliminary Injunction and in Support of Defendant's Motion to Dissolve the Temporary Restraining Order and to Dismiss the Complaint.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JOSEPH A. SAN FILIPPO, as President of
Local #72, United Brotherhood of Carpen-
ters and Joiners of America, and ROBERT
S. MURPHY, as Secretary of Local #72,
United Brotherhood of Carpenters and
Joiners of America, and LOCAL #72,
UNITED BROTHERHOOD OF CARPENTERS AND
JOINERS OF AMERICA,

CIV. NO. 75-164

A F F I D A V I T

Plaintiffs

-vs-

UNITED BROTHERHOOD OF CARPENTERS
AND JOINERS OF AMERICA,

Defendant

STATE OF NEW YORK
COUNTY OF ERIE
CITY OF BUFFALO

}
}
} SS:

WILLIAM LAWYER, being duly sworn, deposes and says:

I. (1) That he is the General Representative of the United Brotherhood of Carpenters and Joiners of America and he makes this affidavit in support of the motions to which this affidavit is attached.

(2) Your deponent was instructed by John S. Rogers, General Executive Board Member of the United Brotherhood of Carpenters and Joiners of America, to conduct an investigation of the affairs of the Rochester District Council of Carpenters, and its constituent locals. I was advised that there had been numerous letters and complaints addressed to the General Office of the Brotherhood complaining about the turmoil and conflict that was troubling both the Rochester District Council of Carpenters and its constituent locals. I was instructed by Mr. Rogers to meet with the Executive Boards of the various locals and the District Council, to listen to their complaints and their recommendations, and upon doing so, to report back to Mr. Rogers. I spent about

Defendant's Notice of Motion, dated 5-9-75, to Dissolve Temporary Restraining Order and to Dismiss Complaint, together with Affidavit of William Lawyer, sworn to 5-12-75, in Opposition to Plaintiffs' Motion for a Preliminary Injunction and in Support of Defendant's Motion to Dissolve the Temporary Restraining Order and to Dismiss the Complaint.

six (6) weeks and met with each and every Executive Board of the constituent locals and without exception each and every local requested that the General Office of the United Brotherhood of Carpenters "Do something" and "Do something quickly" to compose the political difficulties which beset the District Council and its constituent organizations.

(3) I am further informed and believe from these conversations and meetings with the Executive Boards of the locals and of the District Council, and from the records of the United Brotherhood of Carpenters, that there has been dissention, disagreement and conflict within the District Council and its constituent locals dating back to at least the year 1958.

(4) I am further advised and believe that the District Council was placed under formal supervision or trusteeship in the period from 1965 through 1966.

(5) Your deponent personally observed the bitterness, the personality conflicts marked by both profanity and unproductiveness which had been reported to me at the meetings of the District Council. Your deponent reported all of his findings to Board Member Rogers, and in due course Mr. Rogers attended a meeting of the Executive Committee of the nine (9) local unions comprising the District Council which was held in Rochester, New York on March 25th, 1975.

II. The purpose of that meeting was to provide Mr. Rogers with an opportunity to conduct his own hearing and obtain his own personal assessment, and to report to those Committees his preliminary recommendations and findings.

III. Mr. Rogers indicated in clear and unmistakable

Defendant's Notice of Motion, dated 5-9-75, to Dissolve Temporary Restraining Order and to Dismiss Complaint, together with Affidavit of William Lawyer, sworn to 5-12-75, in Opposition to Plaintiffs' Motion for a Preliminary Injunction and in Support of Defendant's Motion to Dissolve the Temporary Restraining Order and to Dismiss the Complaint.

terms that based on my investigation and the long history of conflict and turmoil which had beset the Rochester District Council of Carpenters and its constituent locals that it was his opinion:

(a) That a drastic change was in order.

(b) That there was an over emphasis on local union charters.

(c) He detailed, reciting chapter and verse of the eighteen (18) years of problems that he was aware of that had beset the Rochester District Council of Carpenters and its constituent locals.

(d) That in his judgment the same problems existed today as had existed fifteen to eighteen years ago.

(e) That while the names of the players had changed, the present structure of the District Council permitted or encouraged the candidates for office to play the "outside locals" off against Local #72, and the other Rochester-based locals, and permitted and encouraged such persons to exaggerate and indeed fabricate imagined discriminatory treatment.

(f) That it was his opinion and preliminary finding that the structure of the District Council and its constituent locals was at the root of the problem.

(g) Further, that the District Council and its constituent locals were so weakened that they were not representative to the needs of the members of the United Brotherhood of Carpenters. That it had seriously affected their ability to negotiate collective bargaining agreements, to preserve the work jurisdiction, and that the membership

Defendant's Notice of Motion, dated 5-9-75, to Dissolve Temporary Restraining Order and to Dismiss Complaint, together with Affidavit of William Lawyer, sworn to 5-12-75, in Opposition to Plaintiffs' Motion for a Preliminary Injunction and in Support of Defendant's Motion to Dissolve the Temporary Restraining Order and to Dismiss the Complaint.

as a result was losing employment opportunities.

(h) That because of the political composition it took far too long for the District Council to react to the pressing problems of the construction industry.

II. Although Mr. Rogers may not have specifically said so, he made it clear that his preliminary findings were to disband the District Council and to combine the "construction locals" into one local.

III. Mr. Rogers gave every delegate a full and complete opportunity to voice his views and make his recommendations, and this opportunity was taken advantage of by a considerable number of the delegates.

IV. At that same meeting, not by way of any formal vote but solely to register the sentiments of the delegates, Mr. Rogers did ask for a show of hands as to the suggestion that Local Union #72 should have its own business agent, and the sentiment was overwhelmingly in the negative.

V. Contrary to the impression that the Court might extract from a reading of the complaint and the various affidavits, none of the local unions of the Rochester District Council of Carpenters have any territorial jurisdiction.

VI. Contrary to the impression that might be created, the International Brotherhood of Carpenters does not intend to seize the money of Local #72 or of any other local.

VII. Contrary to the impression stated in the complaint and the affidavits, your deponent has not been appointed as a trustee or supervisor of either the Rochester District Council or

Defendant's Notice of Motion, dated 5-9-75, to Dissolve Temporary Restraining Order and to Dismiss Complaint, together with Affidavit of William Lawyer, sworn to 5-12-75, in Opposition to Plaintiffs' Motion for a Preliminary Injunction and in Support of Defendant's Motion to Dissolve the Temporary Restraining Order and to Dismiss the Complaint.

of any of its constituent locals, but as set forth in the letter from the General President dated April 10th (being Exhibit "A" annexed to the complaint) your deponent is "assigned to guide the newly-formulated Local Union and Officers for a reasonable period to insure that the policies and objectives of the United Brotherhood and the newly-formulated Local Unions are implemented".

VIII. Your deponent as General Representative on this assignment has no powers to act as either a "Trustee" or a "Supervisor" within the meaning of the Constitution of the United Brotherhood or within the meaning of any Federal Statute or Common Law understanding of those terms.

IX. At various times in the complaint and in the affidavit your deponent is quoted as having said "The present membership of Local Union #72 will have less than a majority representation on the 'pro tem' Executive Committee" established by the directive (of the General President) "and on the Executive Committee of the new Carpenters Local Union to be established". Your deponent did make a statement to the effect that Local Union #72 would have less than a majority representation on the "pro tem Executive Committee". Your deponent, after hearing objection from both Mr. Catalfano and after consultation with Mr. Rogers by telephone, that it was the General President's intent in his letter of April 10th, 1975 (Exhibit "A" annexed to the complaint), that "pro rata representation" meant that each local would have representation on the interim Executive Committee in the proportion that their membership or to the entire membership of the new local. I therefore advised Mr. Catalfano and Mr. San Filippo that Local Union #72 would have six out of ten (60%) members on the Executive Committee.

Defendant's Notice of Motion, dated 5-9-75, to Dissolve Temporary Restraining Order and to Dismiss Complaint, together with Affidavit of William Lawyer, sworn to 5-12-75, in Opposition to Plaintiffs' Motion for a Preliminary Injunction and in Support of Defendant's Motion to Dissolve the Temporary Restraining Order and to Dismiss the Complaint.

X. Mr. Catalfano sent out a letter to all of the constituent locals advising him of that fact.

XI. I am further advised and believe that the Executive Committee of Local #72 chose their six (6) members to serve on the International Executive Committee.

XII. In their complaint and affidavits, plaintiffs allege the filing of an Appeal pursuant to the International Constitution. Lest the Court be misled, I am advised and believe that the first Appeal dated April 24th was postmarked April 26th and received at the General Offices on May 2nd. Although the documents are presently in Washington, that Appeal bears a Register No. of 24336 and plaintiffs' own records will serve to verify my information and belief. I am further advised and believe that an Appeal dated April 18th was actually mailed on April 23rd and received in the General Offices on April 29th. Here again, the actual records are in Washington and bear Register No. 60859. Plaintiffs' own records should attest to the validity of my information and belief.

XIII. Your deponent is advised and believes, the source of his belief being General Counsel William McGowan, Esq., that the United Brotherhood is hesitant to take any further proceedings on the Appeal because of the language of the next-to-last decretal of the Court's Order.

FURTHER DEPONENT SAYETH NOT.

W H E R E F O R E , deponent requests that the relief requested in the Motions annexed hereto be granted.

WILLIAM LAWYER

Sworn to before me this
12th day of May, 1975

THOMAS P. McMAHON
Notary Public, State of N.Y.
Qualified in Erie County
by Comm. Expires 3/30/76

**SUPPLEMENTAL AFFIDAVIT OF JOSEPH A.
SAN FILIPPO, sworn to 5-9-75, in Support of Plaintiffs'
Application for a Preliminary Injunction.**

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JOSEPH A. SAN FILIPPO, as President
of Local #72, United Brotherhood of
Carpenters and Joiners of America,
and ROBERT S. MURPHY, as Secretary
of Local #72, United Brotherhood of
Carpenters and Joiners of America,
and LOCAL #72, UNITED BROTHERHOOD OF
CARPENTERS AND JOINERS OF AMERICA,

Plaintiffs,

-v-

UNITED BROTHERHOOD OF CARPENTERS
AND JOINERS OF AMERICA,

Defendant.

SUPPLEMENTAL AFFIDAVIT OF
JOSEPH A. SAN FILIPPO IN
SUPPORT OF PLAINTIFFS'
APPLICATION FOR A
PRELIMINARY INJUNCTION

STATE OF NEW YORK)
COUNTY OF MONROE) SS:

JOSEPH A. SAN FILIPPO, being duly sworn, deposes and
says:

1. I am a plaintiff in this action, and the duly
elected President of Local Union #72, United Brotherhood of
Carpenters and Joiners of America ("United Brotherhood"). I make
this affidavit in support of plaintiffs' application for a
preliminary injunction. I am familiar with the facts hereinafter
stated, based upon my review of the records of Local Union #72,
kept in the normal course of its business, and my personal
observation of and participation in the events hereinafter
described.

2. If the United Brotherhood is allowed to implement
its directive dated April 10, 1975 the members of Local Union #72

Supplemental Affidavit of Joseph A. San Filippo, sworn to
5-9-75, in Support of Plaintiffs' Application for a Preliminary
Injunction.

would, I submit, suffer immediate and substantial loss of their membership rights in the matter of their representation to the General Convention of the United Brotherhood. The General Convention of the United Brotherhood is, pursuant to Section 18-A of the Constitution and Laws of the United Brotherhood "vested with all of the executive, legislative and judicial authority of the United Brotherhood together with all powers necessary or incidental thereto". Pursuant to Section 18-C of the Constitution and Laws of the United Brotherhood each local union is represented in the General Convention by delegates; the number of delegates of each local union is determined by the number of members of each local union. Pursuant to Section 18-C, Local Union #72 is presently entitled to some four delegates to the General Convention, and the four other local unions with which Local Union #72 would be consolidated are entitled to send a total of approximately six delegates to the General Convention. If Local Union #72 is consolidated with the four other local carpenters' unions as ordered by the directive of the United Brotherhood dated April 10, 1975, the combined membership of the new local union would, pursuant to Section 18-C, be represented in the General Convention by only four delegates. In short, if the directive dated April 10, 1975 is effectuated, representation of the total membership of the five local unions to be consolidated would be decreased from a total of approximately ten delegates to a total of four delegates.

Supplemental Affidavit of Joseph A. San Filippo, sworn to
5-9-75, in Support of Plaintiffs' Application for a Preliminary
Injunction.

3. The District Council presently employs one business manager, two business representatives, and an organizer-agent. The directive of the United Brotherhood dated April 10, 1975 directs that "the current employment of an organizer should be temporarily discontinued". I submit that, especially in view of the present economic situation, discontinuing the employment of an organizer-agent would result in serious injury and damage to the members of Local Union #72.

4. Pursuant to the By-Laws of the District Council, Section 27, "all business representatives shall be placed under the supervision and direction of the District Council". Upon information and belief, United Brotherhood General Representative William Lawyer has, since approximately October, 1974, exercised control over and has given directions to the business manager and the business representatives of the District Council. Moreover, upon information and belief, General Representative William Lawyer instructed the District Council's business manager, contrary to the District Council By-Laws, that the business manager no longer has the authority to appoint shop stewards.

5. Moreover, General Representative William Lawyer has exercised control and supervision over the expenditures of Local Union #72, and has attended at least two meetings of Local Union #72. I submit that General Representative William Lawyer has thereby exercised control over and has supervised important functions of both the District Council and of Local Union #72.

Supplemental Affidavit of Joseph A. San Filippo, sworn to
5-9-75, in Support of Plaintiffs' Application for a Preliminary
Injunction.

6. For the reasons herein stated, I submit that implementation by the United Brotherhood of its directive dated April 10, 1975 would result in immediate and irreparable loss, damage and injury to the plaintiffs herein. For that reason, I submit that a preliminary injunction preventing the United Brotherhood from implementing its directive dated April 10, 1975 is necessary and appropriate.

/s/
Joseph A. San Filippo

Sworn to before me this
9th day of May, 1975.

/s/
Notary Public
JAMES J. JEFF
Notary Public in the State of New York
MONROE COUNTY, N. Y.
Commission Expires March 30, 1976

**AFFIDAVIT OF AUGUST VIRGINIA, sworn to 5-9-75, in
Support of Plaintiffs' Application for a Preliminary
Injunction.**

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

| | |
|--|------------------------|
| ----- | |
| JOSEPH A. SAN FILIPPO, as President of | * |
| Local #72, United Brotherhood of Car- | |
| penters and Joiners of America, ROBERT | * |
| S. MURPHY, as Recording Secretary of | |
| Local #72, United Brotherhood of Carpen- | * |
| ters and Joiners of America, and LOCAL #72, | * AFFIDAVIT IN SUPPORT |
| UNITED BROTHERHOOD OF CARPENTERS AND JOINERS | OF PLAINTIFF'S |
| OF AMERICA, | * APPLICATION FOR A |
| | PRELIMINARY |
| Plaintiffs, | * INJUNCTION |
| vs. | * |
| UNITED BROTHERHOOD OF CARPENTERS AND | * |
| JOINERS OF AMERICA, | * |
| Defendant. | |
| -----* | |

STATE OF NEW YORK)
COUNTY OF MONROE) SS:

August Virginia, being duly sworn, deposes and says:

1. I am the duly elected Treasurer of Local Union #72, United Brotherhood of Carpenters and Joiners of America ("Local Union #72"). I make this Affidavit in support of Plaintiffs' application for a preliminary injunction. I am familiar with the facts hereinafter stated, based upon my review of the financial records of Local Union #72, which I keep in the normal course of its business as part of my duties as Treasurer of Local Union #72, and my personal observation of and participation in the events hereinafter described.

2. The primary assets of Local Union #72 presently consist of a General Fund, with a present balance of approximately

Affidavit of August Virginia, sworn to 5-9-75, in Support of
Plaintiffs' Application for a Preliminary Injunction.

\$100,000.00, and a Contingency Fund, with a present balance of approximately \$35,000.00. The General Fund is made up of the dues of the members of Local Union #72, \$10.10 per month, less the per capita taxes paid by Local Union #72 on behalf of its members. The per capita taxes paid by Local Union #72 on behalf of its members consist of \$3.00 per member, per month, paid to the Carpenters' District Council of Rochester, New York and Vicinity, United Brotherhood of Carpenters and Joiners of America, (the "District Council"), \$3.60 per member, per month, paid to the United Brotherhood of Carpenters and Joiners of America (the "United Brotherhood") and of other minor sums. In accordance with the Constitution and Laws of the United Brotherhood, Section 58-A (copy annexed as Exhibit "A"), the General Fund is used to pay the officers of Local Union #72, to pay the general operation and administration expenses of Local Union #72, and to pay the other incidental expenses of Local Union #72.

3. The Contingency Fund of Local Union #72 was established over thirty years ago and is comprised of a \$1.00 per quarter, per member, assessment, this assessment for the Contingency Fund having been duly authorized and approved by the members of Local Union #72. All expenditures from the Contingency Fund require the majority approval of the members of Local Union #72. The Contingency Fund is used to provide social, athletic and related programs for the members of Local Union #72. The Contingency Fund is also used to pay a portion of the monthly dues

Affidavit of August Virginia, sworn to 5-9-75, in Support of
Plaintiffs' Application for a Preliminary Injunction.

of retired members of Local Union #72 and to pay all of the monthly dues of those members of Local Union #72 who have been members of Local Union #72 for a period of over fifty years.

4. Upon information and belief, if the United Brotherhood is permitted to effectuate its directive dated April 10, 1975 that is the subject of this action, the Contingency Fund of Local Union #72 will be comingled with and will become part of the funds of the new carpenters' local union that the United Brotherhood is seeking to establish. I submit that, if this happens, the members of Local Union #72, many of whom have contributed to the Contingency Fund of Local Union #72 for over twenty years, will permanently lose their rights in their Contingency Fund. Moreover, Local Union #72 has outstanding commitments for its athletic and social programs. The status of these commitments would be rendered uncertain by the effectuation of the United Brotherhood directive dated April 10, 1975.

5. Upon information and belief, the total funds of the four local unions with which Local Union #72 would be consolidated pursuant to the United Brotherhood directive dated April 10, 1975 do not exceed \$20,000.00, and those funds consist entirely of their General Funds. Accordingly, if the consolidation of Local Union #72 and the four other local unions is effectuated, the total funds of the new local union would, presumably, consist of approximately \$155,000.00 (Local Union #72 General Fund of approximately \$100,000.00; Local Union #72 Contingency Fund of

Affidavit of August Virginia, sworn to 5-9-75, in Support of
Plaintiffs' Application for a Preliminary Injunction.

approximately \$35,000.00; and other local union funds of approximately \$20,000.00). Of that amount, \$135,000.00 would be the present monies of Local Union #72. The property rights of the members of Local Union #72 would, I submit, thereby be severely dissipated in that the members of Local Union #72, consisting of approximately 64% of the total members of the proposed new carpenters' local union, would be contributing approximately 87% of the total funds of the proposed new carpenters' local

6. For the reasons herein stated, I submit that irreparable and substantial loss and injury would result to the members of Local Union #72 if the United Brotherhood is permitted to effectuate its directive of April 10, 1975 and that a preliminary injunction staying the effectuation of the United Brotherhood directive dated April 10, 1975, pending the determination of this action, is necessary and proper.

/s/

August Virginia

Sworn to before me this
day of May, 1975

/s/

Notary Public

No. 100,000,000, State of New York
Notary Public, City of New York
Commission Expires March 30, 1976

Affidavit of August Virginia, sworn to 5-9-75, in Support of
Plaintiffs' Application for a Preliminary Injunction.

FUNDS OF LOCAL UNIONS

- A Section 58. The General Funds or property of a Local Union shall be used only for such purposes as are specified in the Constitution and Laws of the United Brotherhood and as may be required to transact and properly conduct its business, viz.: Payment of salaries and donations to sick members; purchasing stationery, books, cards, printing; payment of rent, or any legally authorized bill against the Local Union. But under no circumstances shall any of the General Funds be used for loans or donations to members, Contingent Funds, credit union sponsored by the Local Union, or for political or religious purposes. Violation of this Section subjects the offending Local Union to the penalty of suspension.

Exhibit A

ORDER, dated 7-18-75, denying Plaintiffs' Motion for a Preliminary Injunction and denying Defendant's Motion to Dismiss.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JOSEPH A. SAN FILIPPO, as President of
Local #72, United Brotherhood of Carpenters
and Joiners of America, and ROBERT S.
MURPHY, as Secretary of Local #72, United
Brotherhood of Carpenters and Joiners of
America, and LOCAL #72, UNITED BROTHERHOOD
OF CARPENTERS AND JOINERS OF AMERICA,

Plaintiffs

- vs -

CIVIL 75-164

UNITED BROTHERHOOD OF CARPENTERS AND
JOINERS OF AMERICA,

Defendant

Goldstein, Goldman, Kessler & Underberg
1800 Lincoln First Tower
Rochester, N.Y. 14604
Attorneys for plaintiffs

McMahon & Crotty
1028 Liberty Bank Building
Buffalo, N.Y. 14202
Attorneys for defendant

On May 5, 1975 the plaintiffs, on supporting papers, obtained an order to show cause returnable May 12, 1975, why a preliminary injunction should not issue herein. The order contained a temporary restraining order. The matter came on for argument on May 12, 1975.

The defendant moved to vacate the temporary restraining order. By order, announced at the argument,

Order, dated 7-18-75, denying Plaintiffs' Motion for a Preliminary Injunction and denying Defendant's Motion to Dismiss.

the temporary restraining order was continued in effect until decision on the motion for a preliminary injunction.

The motion for preliminary injunction was submitted on written briefs.

I find that the questions presented by the complaint are not free from doubt. Nor is there any showing that the plaintiffs will suffer irreparable injury if this court declines to grant a preliminary injunction.

ORDERED that plaintiffs' motion for a preliminary injunction is denied. The motion to dismiss is denied.

Harold P. Burke
HAROLD P. BURKE
United States District Judge

June 18, 1975.

NOTICE OF APPEAL by Plaintiffs from so much of the
Order, dated 6-18-75, as denied Plaintiffs' Motion for a
Preliminary Injunction, filed 7-20-75.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JOSEPH A. SAN FILIPPO, as President of *
Local #72, United Brotherhood of Carpen- *
ters and Joiners of America, and ROBERT *
S. MURPHY, as Secretary of Local #72, *
United Brotherhood of Carpenters and *
Joiners of America, and LOCAL #72, *
UNITED BROTHERHOOD OF CARPENTERS AND *
JOINERS OF AMERICA, *

Plaintiffs, *

-VS- *

UNITED BROTHERHOOD OF CARPENTERS *
AND JOINERS OF AMERICA, *

Defendant. *

Civ. 75-164

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that plaintiffs hereby appeal to
the United States Court of Appeals for the Second Circuit from so
much of the order, dated and entered in this action on June 18,
1975, as denied plaintiffs' motion for a preliminary injunction.

Dated: Rochester, New York
June 19, 1975

GOLDSTEIN GOLDMAN KESSLER & UNDERBERG

By: Larry A. Stumpf
Larry A. Stumpf
Attorneys for Plaintiffs
1800 Lincoln First Tower
Rochester, New York 14604
Telephone: (716) 325-1930

TO: MC MAHON & CROTTY
Attorneys for Defendant
1028 Liberty Bank Building
Buffalo, New York 14202
Telephone: (716) 853-6300

**ORDER TO SHOW CAUSE AND TEMPORARY
INJUNCTION PENDING APPEAL, issued 6-20-75.**

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JOSEPH A. SAN FILIPPO, as President of
Local #72, United Brotherhood of Carpenters
and Joiners of America, and ROBERT S.
MURPHY, as Secretary of Local #72, United
Brotherhood of Carpenters and Joiners of
America, and LOCAL #72, UNITED BROTHERHOOD
OF CARPENTERS AND JOINERS OF AMERICA,
Plaintiffs,

-vs-

UNITED BROTHERHOOD OF CARPENTERS AND
JOINERS OF AMERICA,
Defendants.

*
*
* ORDER TO SHOW CAUSE
AND TEMPORARY IN-
JUNCTION PENDING
APPEAL
*

* Civ. 75-164
*

Upon the Notice of Appeal, filed June 20, 1975; the attorney's affidavit of Larry A. Stumpf, Esq., sworn to June 20, 1975; the superseded bond of plaintiffs in the amount of \$250; and upon all the proceedings heretofore had herein, it is

ORDERED, that defendant show cause before this Court, at the United States Courthouse, Rochester, New York on July 14, 1975 at 10:00 o'clock A.M., or as soon thereafter as counsel can be heard, why an injunction should not issue herein, pursuant to Rule 62(c), Federal Rules of Civil Procedure, enjoining, pending the hearing and determination of plaintiffs' appeal to the United States Court of Appeals for the Second Circuit, the defendant, its agents, servants, employees, attorneys and all persons in active concert and participation with it, from dissolving the Carpenter's District Council of Rochester, New York and Vicinity, United Brotherhood of Carpenters and Joiners of America, from consolidating

Order to Show Cause and Temporary Injunction Pending
Appeal, issued 6-20-75.

Local Unions #72, #294, #502, #662 and #1508 into one new Local Union, from otherwise reorganizing, dissolving, supervising, controlling, suspending the autonomy of, and/or imposing a trusteeship upon Local Union #72 and from otherwise effectuating the actions set forth in the letter dated April 10, 1975, from William Sidell, General President of defendant, to Mr. Joseph J. Catalfano, Secretary, Rochester and Vicinity District Council; and

It appearing to this Court that defendant is about to commit the acts hereinafter specified and that it will do so unless enjoined by order of this Court, and that immediate and irreparable injury, loss, and damage will result to plaintiffs by such acts of defendant, in that: the pending action between the plaintiffs and the defendant will be rendered a nullity prior to final adjudication thereof; plaintiffs' appeal to the United States Court of Appeal for the Second Circuit will be rendered moot; the assets of Local Union #72 will be dissipated and utilized for purposes other than for the benefit of Local Union #72 members; the vested retirement, supplemental unemployment, medical, death, social and other rights and benefits of Local Union #72 will be irretrievably lost; and the right of Local Union #72 to appeal from the subject directive to the General Executive Board and the General Convention of the defendant as provided in the Constitution and Laws of the defendant will be rendered moot and of no force and effect, and it is further

ORDERED, that upon the plaintiffs filing with this

Order to Show Cause and Temporary Injunction Pending
Appeal, issued 6-20-75.

Court of a supersedas bond in the amount of \$250, in a form to be approved by this Court, that defendant, its agents, servants, employees, attorneys and all persons in active concert and participation with it be and they are hereby enjoined, pending the hearing and determination of plaintiffs' motion for an injunction pending appeal, from dissolving the Carpenter's District Council of Rochester, New York and Vicinity, United Brotherhood of Carpenters and Joiners of America, from consolidating Local Unions #72, #240, #502, #662, and #1508 into a new Local Union, and from otherwise effectuating the actions set forth in the letter dated April 10, 1975, from William Sidell, General President of the defendant to Mr. Joseph Catalfano, Secretary, Rochester and Vicinity District Council; and it is further

ORDERED, that service of this order to show cause, together with a copy of the papers hereto attached, on defendant, by personal service or by certified or registered mail upon its attorneys, McMahon & Crotty, at 1028 Liberty Bank Building, Buffalo, New York 14202, on or before June 23, 1975, at 5:00 o'clock P.M. be deemed sufficient service.

Issued at 12¹⁵ o'clock P.M., June 20, 1975.

ENTER:

/s/

HAROLD P. BURKE, U.S.D.J.

Order to Show Cause and Temporary Injunction Pending
Appeal, issued 6-20-75.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JOSEPH A. SAN FILIPPO, as President of *
Local #72, United Brotherhood of Carpen- *
ters and Joiners of America, and ROBERT *
S. MURPHY, as Secretary of Local #72, *
United Brotherhood of Carpenters and *
Joiners of America, and LOCAL #72, *
UNITED BROTHERHOOD OF CARPENTERS AND *
JOINERS OF AMERICA, *

Plaintiffs, *

-vs- *

UNITED BROTHERHOOD OF CARPENTERS *
AND JOINERS OF AMERICA, *

Defendant. *

Civ. 75-164

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that plaintiffs hereby appeal to
the United States Court of Appeals for the Second Circuit from so
much of the order, dated and entered in this action on June 18,
1975, as denied plaintiffs' motion for a preliminary injunction.

Dated: Rochester, New York
June 19, 1975

GOLDSTEIN GOLDMAN KESSLER & UNDERBERG

By: Larry A. Stumpf
Larry A. Stumpf
Attorneys for Plaintiffs
1800 Lincoln First Tower
Rochester, New York 14604
Telephone: (716) 325-1930

TO: MC MAHON & CROTTY
Attorneys for Defendant
1028 Liberty Bank Building
Buffalo, New York 14202
Telephone: (716) 853-6300

Order to Show Cause and Temporary Injunction Pending
Appeal, issued 6-20-75.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JOSEPH A. SAN FILIPPO, as President of
Local #72, United Brotherhood of Carpenters
and Joiners of America, and ROBERT S.
MURPHY, as Secretary of Local #72, United
Brotherhood of Carpenters and Joiners of
America, and LOCAL #72, UNITED BROTHERHOOD
OF CARPENTERS AND JOINERS OF AMERICA,
Plaintiffs,

-vs-

UNITED BROTHERHOOD OF CARPENTERS AND
JOINERS OF AMERICA,
Defendants.

*
*
* ATTORNEY'S AFFIDAVIT
IN SUPPORT OF ORDER
* TO SHOW CAUSE AND
TEMPORARY INJUNCTION
* PENDING APPEAL

* Civ. 75-164
*

STATE OF NEW YORK)
COUNTY OF MONROE)

Larry A. Stumpf, being duly sworn, says:

1. I am an attorney associated with Goldstein Goldman Kessler & Underberg, attorneys for the plaintiffs herein. I make this affidavit in support of plaintiffs' application for an order to show cause and temporary injunction pending plaintiffs' appeal to the United States Court of Appeals for the Second Circuit from so much of the order of this Court dated June 18, 1975 as denied plaintiffs' motion for a preliminary injunction. I am familiar with the facts hereinafter stated.

2. I respectfully submit that an injunction pending the hearing and determination of plaintiffs' appeal to the United States Court of Appeals for the Second Circuit is necessary and proper for the following reasons: (1) failure to grant the injunction herein sought would deprive plaintiffs of a full trial and of a

Order to Show Cause and Temporary Injunction Pending
Appeal, issued 6-20-75.

fair adjudication on the merits of the action at bar; (2) failure to grant the injunction herein sought would deprive plaintiffs of their right to appeal to the United States Court of Appeals for the Second Circuit from this Court's determination of the difficult and substantial questions of law involved herein; and (3) failure to grant the injunction herein requested would deprive plaintiffs of the contractual right, set forth in the Constitution and Laws of defendant, to appeal to the defendant from the directive of the defendant at issue.

FACTUAL HISTORY

3. The facts underlying this action are fully set forth in the affidavits and in the verified complaint previously submitted herein and will not be repeated at length here.

4. In very brief summary, this action challenges the validity and the legality of a directive of the General President of the defendant, dated April 10, 1975, that directs, among other things, the consolidation of Local Union #72 and four other local unions into one new local union. Consequently, if the temporary injunction pending appeal herein requested is not granted, Local #72 will cease to exist.

PRECEDURAL HISTORY

5. By order to show cause dated and entered April 30, 1975, this Court issued a temporary restraining order restraining the defendant from effectuating the subject directive issued by defendant. In issuing that temporary restraining order, this Court found that failure to restrain the defendant from effectuating

Order to Show Cause and Temporary Injunction Pending
Appeal, issued 6-20-75.

the subject directive would result in immediate and irreparable injury, loss and damage to plaintiffs.

6. The temporary restraining order, together with supporting papers upon which it was based, was personally served upon defendant on May 1, 1975.

7. An amended verified complaint was served on May 9, 1975.

8. Plaintiffs' motion for a preliminary injunction was heard on May 12, 1975, at which time defendant cross-moved to dissolve the temporary restraining order and to dismiss the complaint for failure to state a cause of action.

9. By order dated June 18, 1975, this Court denied plaintiffs' motion for a preliminary injunction and denied defendant's motion to dismiss.

REASONS FOR GRANTING THIS APPLICATION FOR AN ORDER
TO SHOW CAUSE AND TEMPORARY INJUNCTION PENDING
APPEAL

10. Plaintiffs submit, and will submit a supporting memorandum of law at the hearing of this motion, that an injunction pending appeal is compelled, pursuant to Rule 62(c), Federal Rules of Civil Procedure, for the following reasons:

- A. FAILURE TO GRANT AN INJUNCTION PENDING APPEAL WOULD
DEPRIVE PLAINTIFFS OF THE OPPORTUNITY TO FULLY LITI-
GATE THE ISSUES RAISED IN THE COMPLAINT.

In denying defendant's motion to dismiss the complaint, this Court held that "the issues presented by the complaint are not free from doubt". However, if defendant is not enjoined from effectuating the challenged directive, Local #72 will, simply

Order to Show Cause and Temporary Injunction Pending
Appeal, issued 6-20-75.

stated, cease to exist. Therefore, denial of this application for an injunction pending appeal would terminate this action, found by this Court to have merit, prior even to joinder of issue. Plaintiffs urge that an injunction pending appeal is necessary and proper to preserve the very existence of plaintiffs so that their claims can be fully and fairly adjudicated. This is especially true in view of defendant's failure to point out any harm that it would suffer by the issuance of an injunction.

B. FAILURE TO GRANT AN INJUNCTION PENDING APPEAL WOULD DEPRIVE PLAINTIFFS OF THEIR RIGHT OF APPEAL.

Plaintiffs urge that the instant appeal raises legal issues of substance and import concerning: (1) the construction and application of the Labor Management Relations Act of 1947, (2) the construction and application of the Labor-Management Reporting and Disclosure Act of 1959, and (3) proper issuance of a preliminary injunction in actions involving intra-union disputes. Determination and clarification of these issues by the United States Court of Appeals for the Second Circuit is, we submit, clearly desirable. However, unless defendant is enjoined from effectuating the challenged directive, plaintiffs will cease to exist prior to the hearing and determination of this appeal, the appeal will be rendered moot, and plaintiffs right of appeal will be negated.

C. FAILURE TO GRANT AN INJUNCTION PENDING APPEAL WOULD NEGATE THE INTRA-UNION APPEAL PROVIDED BY DEFENDANT'S CONSTITUTION AND LAWS.

Prior to the commencement of this action, plaintiffs, acting pursuant to the Constitution and Laws of the defendant,

Order to Show Cause and Temporary Injunction Pending
Appeal, issued 6-20-75.

appealed the subject directive to the General Executive Board of defendant. Unless the injunction herein sought is granted, this contractual right of intra-union appeal will be rendered a nullity.

11. No prior application for the relief requested herein has been made.

Larry A. Stumpf
LARRY A. STUMPF

Sworn to before me
this 20th day of June,
1975.

Alma G. Willis
Notary Public
ALMA G. WILLIS, Notary Public
State of New York, County of Monroe
My Commission Expires March 30, 1977

AFFIDAVIT OF SERVICE (of Order to Show Cause,
issued 6-20-75), sworn to 6-23-75.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JOSEPH A. SAN FILIPPO, as President of
Local #72, United Brotherhood of Carpenters
and Joiners of America, and ROBERT S.
MURPHY, as Secretary of Local #72, United
Brotherhood of Carpenters and Joiners of
America, and LOCAL #72, UNITED BROTHERHOOD
OF CARPENTERS AND JOINERS OF AMERICA,
Plaintiffs,

-vs-

UNITED BROTHERHOOD OF CARPENTERS AND
JOINERS OF AMERICA,
Defendants.

AFFIDAVIT OF
SERVICE BY MAIL

Civ. 75-164

STATE OF NEW YORK)
COUNTY OF MONROE)

Mary A. Dunlap, being duly sworn, says:

1. I am not a party to this action, I am over 18 years of age and reside at 241 Pennells Drive, Rochester, New York. On the 23rd day of June, 1975, at approximately 11:00 A.M., I served a conformed copy of the Order to Show Cause and Temporary Injunction Pending Appeal dated June 20, 1975, together with a copy of the papers attached thereto, upon McMahon & Crotty, attorneys for defendant in this action, at 1028 Liberty Bank Building, Buffalo, New York, 14202, by certified mail, by depositing same in a post-paid properly addressed wrapper, in a post office of the United States post office department within the State of New York.

Mary A. Dunlap
Mary A. Dunlap

Sworn to me before me

this 23rd day of June, 1975.

Larry A. Stumpf
Notary Public

LARRY A. STUMPF
Notary Public in the State of New York
MONROE COUNTY, N. Y.
Commission Expires March 10, 1976

